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RECORDS

OF THE

GOVERNOR AND COUNCIL

OF THE

STATE OF VERMONT.

VOLUME V.

EDITED AND PUBLISHED BY AUTHORITY OF THE STATE
BY E. P. WALTON.

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TWENTY-EIGHTH COUNCIL.

OCTOBER 1804 TO OCTOBER 1805.

ISAAC TICHENOR, Bennington, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

SAMUEL SAFFORD, Bennington,
NATHANIEL NILES, West Fairlee,
JONAS GALUSHA, Shaftsbury,
JOHN WHITE, Georgia,
BERIAH LOOMIS, Thetford,
NOAH CHITTENDEN, Jericho,
ELIAKIM SPOONER, Westminster,
JAMES WITHERELL, Fairhaven,
ASAPH FLETCHER, Cavendish,
ELIAS KEYES, Stockbridge,
SAMUEL SHEPARDSON, Guilford,
EBENEZER WHEELOCK, Whiting.

WILLIAM PAGE, Jr., *Secretary.*
ARUNAH W. HYDE, *Sheriff.*[1]

POLITICAL NOTE.

The Councillors are the same as in the preceding year. *Spooner's Vermont Journal* embraced the above list of Councillors in the "Washington and Jefferson Ticket" previous to the election, and on printing the result, Oct. 16 1804, commented thus:

The increase of Republican principles in this state far exceeds our expectation. Last year the difference between the lowest Republican candidate for Councillor, and the highest Federal, was 500 votes: This year the difference is 2000—*notwithstanding we have a Federal Governor.*

The *Windsor Federal Gazette*, of Aug. 21 1804, placed the name of Jonas Galusha at the head of "Federal Nominations," as did also *The* (Brattleborough) *Reporter* of September 1 1804, and the result showed

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[1] Mr. HYDE is supposed to be the son born to Capt. Jedediah Hyde and Mary Waterman, at Norwich, Conn., Sept. 21 1768. Capt. Hyde resided in Pawlet and Poultney from about 1782 until 1788, when he removed to Hydepark. Castleton is supposed to have been the residence of Sheriff Hyde.—See *Vt. Historical Magazine*, Vol. 2, pp. 635 and 636.

that Mr. Galusha received 3010 votes more than the highest candidate on the Jeffersonian Republican ticket. The Federal candidates for executive officers were Isaac Tichenor for Governor, General Zebina Curtis for Lieut. Governor, and Benjamin Swan for Treasurer; and the Republican candidates were Jonathan Robinson for Governor, Paul Brigham for Lieut. Governor, and William Hunter for Treasurer. No detailed statement of the votes has been found, but *The Reporter* of Oct. 20 1804 gave the following:

For Governor, His Excellency Isaac Tichenor, Votes duly returned 8075, do. not do. 31 towns 721—Total, 8796. Hon. Jonathan Robinson, Duly returned 6184, 7 towns not do. 481—Total 6665. Majority for I. Tichenor, 2131.

Lieutenant Governor, His Honor Paul Brigham, Majority nearly 4000.

Benjamin Swan Esq. Treasurer, Majority over 4000.

Councillors, G. [Jonas] Galusha highest, 8064. E. Keyes, next highest, 5054.

A large majority of the representatives, chosen at the same election, were Jeffersonians. The Jeffersonian majorities, on the ballot in joint committee for Presidential Electors, ranged from 41 to 81. The ballot for the fourth Elector, which was nearest to an accurate test, resulted as follows: "Nathaniel Niles, repub. 125, David Wing, jun. fed. 31, Scattering 13—Majority for Mr. Niles, 81." Mr. Wing's vote was the highest given for a Federal candidate.[1]

While it is evident that the Jeffersonians had the control of the state, it is remarkable that Gov. Tichenor, who was an avowed Federalist, received 732 more votes than Jonas Galusha, who was on the ticket of each party; Benjamin Swan, who was on the Federal ticket only, had a majority nearly double that of Gov. Tichenor; and Paul Brigham, who was on the Jeffersonian ticket only, had a majority nearly as large as Mr. Swan's. The conclusion is, that a large part of the people did not consider themselves bound by party considerations alone in the election of their chief executive officers.

The electoral ticket, referred to above, was agreed to in a caucus of the Republicans in the General Assembly. A ticket for Governor, Lieut. Governor, Treasurer, and Councillors, to be supported by the Jeffersonian Republicans at the election in 1805, was also agreed to in caucus. See *Spooner's Vermont Journal* for Nov. 6 1804, and Aug. 6 1805.

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[1] *Weekly Wanderer* [Randolph] for Nov. 12 1804.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT RUTLAND,

OCTOBER, 1804.

STATE OF VERMONT, ss. A Journal of the Proceedings of the Governor and Council of the State of Vermont at their Session begun and holden at Rutland within and for said State on the eleventh day of October being the second Thursday of that Month, in the year of our Lord one Thousand eight Hundred and four, and of the Independence of the United States the Twenty-ninth, on which day the General Assembly were convened, pursuant to the Constitution and Laws of this State—Present, His Excellency Isaac Tichenor Esq^r. Governor, His Honor Paul Brigham Esq^r. L^t. Governor; of the Council the Hon^ble Samuel Safford, Jonas Galusha, Eliakim Spooner, Noah Chittenden, John White, Beriah Loomis, Ebenezer Wheelock, Asaph Fletcher, James Witherell & Samuel Shepardson Esquires. William Page Jun^r. *Secretary;* Arunah W. Hyde Esq^r. *Sheriff* of Rutland County.

The Sheriff was directed to inform the House of Representatives that a quorum of the Council had convened and were ready to join with the House in fulfilling the purposes for which they have met.

The following Resolution was received from the House of Representatives: "In General Assembly, Oct^r. 11, 1804, Resolved, that there be a Committee of three Members from each County in this State appointed, to join such Committee as shall be appointed by the Governor and Council, to receive, sort, and count the Votes for Governor, L^t. Governor, Treasurer, and Councillors for the year ensuing, and make report to this House as soon as may be. Members chosen, Mess. Bradley, Hurd, Galusha, Richards, Whitney, Hunt, Shaw, Hendee, P. Smith, Enos, Hutchinson, Luce, Rich, Chipman, Silas Wright, Buckingham, Thayer, Cooke, W. C. Harrington, Potter, Jones, Elkins, Edson, Lamb, S. B. Sheldon, J. Robinson, House, Stanley, Strong, Corbin, Dana, De Forest and Phelps. Extract from the Journals, Att. A. Haswell Clk. pro Tem." which was Read, and it was Resolved, That a Committee of five Members from the Council join the aforesaid Committee from the House. Members chosen, Mess. Galusha, Witherell, Wheelock, Shepardson and Loomis, and were sworn by his Honor the L^t. Governor to the faithful discharge of their duty.

The above Resolution, with the Resolve of the Council thereon, was returned to the House of Representatives by the Sheriff.

Resolved, on Motion, That the Council will proceed to the Meeting House to attend Divine Worship.[1]

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[1] From the *Weekly Wanderer* for Oct. 22 1804:

RUTLAND, (*Vermont,*) Oct. 13.—On Thursday last the General Assembly of this State convened in this town. At nine o'clock His Excellency the Governor was escorted into town by the company of cavalry commanded by Capt. *Cheeney.* At twelve the Legislative body proceeded to the meeting house to attend divine service. The exercises were performed by the Rev. *Himan* [Heman] *Ball,* of this town. A judicious and instructive discourse from 1 Chron. 28, 8, as well as the other exercises, were much admired.

5 O'CLOCK P. M.—The Hon^ble^ Nathaniel Niles Esq^r.^ appeared in Council chamber and took his Seat.

A Verbal Message was received from the House by M^r.^ Shaw, informing the Governor and Council that the Committee appointed to receive, sort and count the Votes for Governor, L^t.^ Governor, Treasurer, and Councillors for the year ensuing were ready to report, and requesting the attendance of the Council in the Representatives' Room for the purpose of hearing the Report of the said Committee—Whereupon the Governor and Council proceeded immediately to the Representatives' Room, and the following Report was handed in by the Chairman of the Committee and read by his Excellency the Governor, to wit,—

"To the Hon^ble^ General Assembly now sitting at Rutland in the County of Rutland, Oct^r.^ 11^th^ 1804. Your Committee appointed to receive, sort and count the Votes for Governor, L^t.^ Governor, Treasurer, and Councillors, for the year ensuing, beg leave to report, That His Excellency Isaac Tichenor Esq^r.^ is Elected Governor, His Honor Paul Brigham Esq^r.^ is Elected L^t.^ Governor, Benjamin Swan, Treasurer, Jonas Galusha, Samuel Safford, Noah Chittenden, James Witherell, Beriah Loomis, John White, Nathaniel Niles, Eliakim Spooner, Samuel Shepardson, Ebenezer Wheelock, Asaph Fletcher & Elias Keyes Esq^rs.^ Councillors. Att. JONAS GALUSHA *Chairman of s^d^ Com^tee^.*" [1] and A. W. Hyde Esq^r.^ Sheriff of Rutland County, by the direction of the Secretary of the Governor and Council, made proclamation of the election of the above mentioned Persons to their respective Offices by the Freemen of this State for the year ensuing.

The Governor and Council then returned to their Chamber and adjourned to 9 O'clock Tomorrow morning.

FRIDAY October 12^th^ 1804, 9 O'clock A. M.

The Council met pursuant to adjournment. Present His Honor Paul Brigham L^t.^ Governor; of the Council The Hon^ble^ Jonas Galusha, Samuel Safford, Noah Chittenden, Beriah Loomis, John White, Nathaniel Niles, Eliakim Spooner, Samuel Shepardson, Ebenezer Wheelock & Asaph Fletcher Esq^rs.^ William Page Ju^r.^ *Secretary;* Arunah W. Hyde Esq^r.^ *Sheriff.*

The L^t.^ Governor and members of the Council present proceeded to the Representatives' Room, and after prayers by the Chaplain were duly sworn, by Jonathan Robinson Esq^r.^ Chief Justice of the State of Vermont, to the faithful discharge of their respective offices. The Council returned to their Chamber and Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—A verbal message from the House of Representatives was delivered by M^r.^ Fisk, a member, informing the Council that the House was organized and ready to receive any communication from this body. Ordered, That the Secretary wait on his Excellency the Governor and acquaint him with this message, and also inform the House of Representatives that a quorum of the Council has convened and are ready to proceed to business.

Adjourned to 9 O'clock Tomorrow Morning.

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[1] The committee probably appended to their report a statement of the votes of towns rejected for informality in the returns, but nothing of this sort appears in the journal of either house. The rejected votes did not affect the results of the election. See political note on preceding pages.

SATURDAY Oct^{r} 13, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of Thomas Barnum and others for a new Trial was received from the House with the following order thereon: "In Gen^{l} Assembly Oct^{r} 12, 1804. Read and Referred to Mess. Ja^{s} Fisk, Sheldon and Enos to join with Council. Attest A. Haswell Clk. P. Tem." and being Read it was Resolved, That M^{r} Galusha join with the Committee from the House.

The Petition of the Selectmen of Hyde Park was rec^{d} from the House with this order minuted thereon: "In General Assembly Oct^{r} 12, 1804, Read & Referred to the first Land Tax Committee to join Committee from the House, Mes^{s} Baker, H. Norton & Rich. Attest A. Haswell Clk. Pro Tem." which was read with the order of the House thereon, and it was Resolved, That M^{r} Safford join the aforesaid Committee from the House.

A Petition from Billymead [Sutton] praying for Land-Tax was received from the House with this order thereon: "In General Assembly Oct^{r} 12th, 1804, Referred to the second Land Tax Committee, Mess^{s} Lyon, Moffett & Campbell to join. Attest A. Haswell Clk. Pro Tem." which was read, and Resolved, That M^{r} Chittenden join the second Land Tax Committee.

A Petition for a Land Tax on Johnson was also received from the House with this order minuted thereon: "In General Assembly Oct^{r} 12th, 1804, Committed to the Third Land Tax Committee, Mess. B. Harrington, E. Porter, and J. Porter, to join with Council. Attest A. Haswell Clk. Pro Tem." upon which it was Resolved, That M^{r} Witherell join the Third Land Tax Committee.

A Petition from the Selectmen of Brookline was received from the House with this order thereon: "In General Assembly Oct^{r} 12th, 1804, Read and Referred to Mess. Olin, Shaw & E. Allen, to join. Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved, That M^{r} Loomis join the Committee from the House.

The Petition of Nathaniel Greelee for himself and others, Proprietors and Land owners of Benton's Gore, was received from the House with the following order thereon: "In General Assembly Oct^{r} 12, 1804, Read and Committed to Mess. Noyes, Ja^{s} Fisk & E. Hale, to join &c. Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved, That M^{r} White join the Committee appointed by the House.

An Engrossed Bill, Entitled "an act to appoint a Committee to lay out and survey a Road from the Bridge over Connecticut River in Norwich to Chelsea Court-House," which was referred by the concurrent Resolution of both Houses, at the adjourned Session of the [last] Legislature to the present one, was read and on motion Resolved, That it be referred to Mess. Niles and Spooner.

The following Resolution was received from the House: "In General Assembly Oct^{r} 13, 1804, Resolved, the Governor and Council concurring therein, That the Members of both Houses meet in County Conventions at 3 O'clock in the afternoon of Tuesday next, for the purpose of making County Nominations for the County officers—And that both Houses convene in joint Committee on Wednesday next at 10 O'clock A. M. in the Representatives' Room for the purpose of receiving such nominations and making the appointments of such officers. The above being Read passed into a Resolution of this House. Extract from the Minutes, Attest A. Haswell Clk. Pro Tem." The above Resolution being read it was Resolved, That the Governor and Council concur with the House therein, and Ordered, That the Secretary inform the House thereof.

Adjourned to 2 O'clock P. M.

2 O'clock P. M. Mr. Witherell appeared in the Council Chamber, and, after the oath of office and to support the Constitution of the United States was administered to him by His Excellency the Governor, he took his seat at the Council Board.

A Bill referred from the last Session of the Legislature, Entitled, "An Act incorporating certain persons therein named by the name of the Randolph Turnpike Company," was sent up from the House with the following order thereon: "In General Assembly Oct^r. 13, 1804, Referred to the Turnpike Committee, Mess. Baker, Noyes, E. Porter, Luce, Foot, Chamberlain, Leavenworth, Bachop, Brigham, Stanley and Kibbee, to join such committee as Council may appoint. Attest A. Haswell, Clk. Pro Tem." which was read and it was Resolved, That Mess^s. Shepardson and Wheelock join the Committee appointed by the House.

"An Act appointing a Committee to lay out a Road from White River, thro' Randolph and Williamstown," And also "An Act appointing a Committee to survey and lay out a public County Road from the South End of Hubbardton Turnpike to meet the Lansingburgh [N. Y.] Turnpike," [received from the House] with the following order on each: "In Gen^l. Assembly Oct^r. 13, 1804, Read & Referred to the Turnpike Committee. Attest A. Haswell Clk. Pro Tem." which were severally read and on motion it was Resolved, That the Gov^r. & Council concur in the references.

The Governor, accompanied by the Council, proceeded to the House of Representatives, and having signified his acceptance of the Office of Governor for the year ensuing, the oath of Office and to support the Constitution of the United States were administered to him by the Chief Justice. His Excellency then delivered the following speech to both branches of the Legislature.[1]

The Governor and Council then returned to their chamber.

The Resolutions from the Legislature of Massachusetts were read in Council and the Secretary ordered to carry them to the House.[2]

Adjourned to Monday Morning 9 O'clk A. M.

Monday October 15^th. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

Three Petitions from the Landowners and Proprietors of Huntington, Warren, and Fletcher, were received from the House with this order on each of them: "In General Assembly Oct^r. 13, 1804, Read and Referred to the Third Land-Tax Committee, to join. Attest A. Haswell Clk. Pro Tem." in which Reference it was Resolved, That the Governor and Council concur.

A Petition from the Inhabitants of Readsboro', praying for a Land-Tax, was also received from the House with this order thereon: "In General Assembly Oct^r. 13, 1804, Referred to the First Land-Tax Committee, to join. Attest A. Haswell Clk. Pro Tem." in which Reference it was Resolved, That the Governor and Council concur.

Also three several Petitions from the Towns of Irasburgh, Bristol, and Peru, praying for Land-Taxes on those respective Towns, with this order minuted on each: "In General Assembly Oct^r. 13^th, 1804, Read and Referred to the Second Land-Tax Committee, to join. Attest A. Haswell Clk. Pro Tem." in which Reference it was Resolved to concur.

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[1] For the speech see *Appendix* A.

[2] See *Appendix* B.

A Bill, Entitled "An Act for Taxing the Lands in Huntington and ascertaining the Rights of Public Lands in said Town." was received from the House with the following order thereon: "In General Assembly Oct^{r} 13, 1804, Referred to the Third Land Tax Committee. Attest A. Haswell Clk. Pro Tem." in which Reference it was Resolved to concur.

An Engrossed Bill, Entitled "An Act ratifying and confirming the proceedings of a Collector of a Land-Tax in Bridgewater," referred from the adjourned Session of the [last] Legislature, was received from the House with the following order thereon: "In General Assembly Oct^{r} 13, 1804, Referred to the Third Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." Resolved, That the Governor and Council concur in the above reference.

M^{r} Keyes appeared in the Council Chamber, and, after taking the oath of office and to support the Constitution of the United States, which were administered to him by the Chief Justice, he took his seat at the Council-Board.

An Engrossed Bill, Entitled "An Act in addition to and in explanation of an act constituting the Supreme Court &c.," referred from the last Session of the Legislature, was received from the House with the following new order thereon: "In General Assembly October 13, 1804, Read and Committed to Mess^{rs} Olin, Chipman, and Enos, to join. Attest A. Haswell Clk. Pro Tem." which was Read & Resolved, That M^{r} Galusha join the aforesaid Committee from the House.

An Engrossed Bill, Entitled "An Act Incorporating certain persons therein mentioned by the name of the Franklin County Turnpike Company," referred from the last Session of the Legislature, was received from the House with this new order minuted thereon: "In General Assembly Oct^{r} 13, 1804, Read and Referred to the Turnpike Committee, to join. Attest A. Haswell Clk. Pro Tem." upon which Reference it was Resolved, That the Governor and Council concur.

Also An Engrossed Bill, Entitled, "An Act for laying out a Post Road from the North line of Huntsburgh [Franklin] in the County of Franklin to Hinesburgh in the County of Chittenden," referred from the last Session of the Legislature, with the following new order thereon: "In General Assembly Oct^{r} 13th, 1804, Called up and Referred to the Turnpike Committee. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, That the Governor and Council concur in the above Reference.

The following Resolution was introduced by M^{r} Niles—Resolved, That———be a Committee from the Council to join such Committee as the House of Representatives shall appoint, to consider and make report in what manner the unfinished business before Council, referred from the last Session of the Legislature, shall be taken up, which resolution was adopted. M^{r} Niles appointed the Committee from Council, and Ordered, That the Secretary carry the same to the House and request their concurrence.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor communicated to the Council a Letter from James Madison Esquire, Secretary of State of the United States, informing that three fourths of the States had ratified an Article of Amendment proposed by Congress at their last Session to be added to the Constitution of the United States, and that it had become a part thereof[1]—and also a Letter from General Philip Schuyler on the subject of the Northern Boundary line of this State[2]—which, after being read,

[1] Twelfth amendment.

[2] See *Appendix* E.

were enclosed to the Speaker of the House of Representatives, and the Secretary ordered to carry them to the House.

Three Petitions praying for Grants of Turnpike Roads, one from Joseph Robinson and others of Swanton, one from Daniel Campbell and others, and one from Gilbert Hurd and others, were received from the House with the following order on each: "In General Assembly Oct^r. 15^th, 1804, Read and Referred to the Turnpike Committee, to join. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, That the Governor and Council concur in the above Reference.

The Petition of the Selectmen of Minehead [Bloomfield] for a Land Tax was received from the House with this order thereon: "In General Assembly Oct^r. 15, 1804, Read & Referred to the First Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." Also a Petition for the Revival of Land Taxes in Essex with this order thereon: "In General Assembly Oct^r. 15, 1804, Read and Referred to the Third Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." And a Petition for a Land-Tax on Wenlock and Brunswick with this order thereon: "In General Assembly Oct^r. 15, 1804, Read and Referred to the Second Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, That the Governor and Council concur in the above References.

A Petition from the Inhabitants of Bromley [Peru] was received from the House with this order minuted thereon: "In General Assembly Oct^r. 15, 1804, Read and Referred to Committee on Petition of Nathaniel Greely, to join—Noyes, J. Fisk, and E. Hale. Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved, That M^r. White join the Committee appointed by the House.

The Petition of the Inhabitants of Medway [Mendon] was received from the House with this order thereon: "In General Assembly Oct^r. 15, 1804, Read and Referred to Mes^s. E. Emerson, Emmons, & E. Jones, to join. Attest, A. Haswell Clk. Pro Tem." which was read and it was Resolved, That M^r. Keyes join the aforesaid Committee from the House.

A Petition from Benjamin Jaquith and others, praying for a grant of the Glebe Lands in Hartland, was received from the House with this order thereon: "In General Assembly Oct^r. 15, 1804, Referred to Mess^s. Hibbard, Beach, E. Jewett, J. Brigham, and Safford, to join. Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved, That Gov. Brigham join the Committee appointed by the House.

A Petition from Benjamin Burtch was sent from the House with this order thereon: "In General Assembly Oct^r. 13, 1804, Referred to the Committee appointed on the Petition of Benj^a. Jaquith and others. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, That the Governor and Council concur in the above Reference.

A Petition from the Inhabitants of Knight's Gore [or Knoulton's Grant, now Bakersfield,] was received from the House with the following order minuted thereon: "In General Assembly Oct^r. 15, 1804, Read and Referred to Paul Brigham,[1] Brown, and Foot, to join. Attest A. Haswell, Clk. Pro Tem." which being read it was Resolved, That M^r. Fletcher join the aforesaid Committee from the House.

The following Resolution was received from the House: "In General Assembly Oct^r. 13^th, 1804, Resolved, the Governor and Council concurring therein, that the members of both Houses convene in joint Committee, in the Representatives' Room, at the opening of the House in the afternoon on Tuesday next, for the purpose of electing the Judges

[1] Paul W. Brigham of Sharon.

of the Supreme Court for the year ensuing. Read and passed. Extract from the Journals, Att. A. Haswell Clk. Pro Tem." which was read and it was Resolved, That the Governor and Council concur therein, and Ordered, That the Secretary acquaint the House of such concurrence.

Adjourned to 9 O'clock Tomorrow Morning.

TUESDAY, October 16th. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay to Anthony Haswell the sum therein mentioned," was sent up to Council for their Revision, concurrence, or proposals of amendment, and being Read it was Resolved to concur with the House in passing the same into a Law.

Two Petitions, one from the Inhabitants of Maidstone, and the other from the Proprietors and Landowners of Westford, praying for Land-Taxes of their respective Towns, were received from the House with this order on each: "In Genl. Assembly Octr. 15, 1804. Read and Referred to the Third Land-Tax Committee. Attest A. Haswell Clk Pro Tem." which were read and it was Resolved to concur in the aforesaid Reference.

The Resolution, which originated in Council, appointing a Committee to join a Committee from the House, to consider and make report in what manner the unfinished business before Council, referred from the last Session of the Legislature, shall be taken up, was returned from the House with the following order thereon: "In General Assembly Octr. 15, 1804. Read and Concurred in by the House and Mess. Shaw, Chipman, and Sheldon appointed a Committee accordingly. Attest A. Haswell Clk. Pro Tem."

Two Petitions, one from Easthaven, the other from Newark, praying for Land-Taxes, were received from the House with this order on each: "In General Assembly Octr. 15, 1804. Referred to the Second Land-Tax Committee, to join. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, That the Governor and Council concur in the above reference.

A Petition, praying for a Land-Tax on West Fairlee, was sent up from the House with this order thereon: "In General Assembly Octr. 15, 1804, Referred to the First Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved to concur in the Reference made by the House.

Nine Petitions, praying for Turnpike Roads, one from John Stanley and others, one from Wm. C. Harrington, one from Barnet, one from Westford, one from Billymead [Sutton,] one from Lyndon, one from St. Johnsbury, one from Burke, and one other for a Turnpike Road from Danby through Harwich [Mount Tabor] to Dorset, were received from the House with the following order on Each: "In General Assembly Octr. 15th, 1804, Read and Referred to the First Turnpike Committee, to join. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved to concur in the Reference of the said Petitions.

A Bill, Entitled "An Act concerning costs of criminal prosecutions," was sent up from the House with this order thereon: "In General Assembly Octr. 16, 1804, Brought in on motion of Mr. [Titus] Hutchinson, Read and referred to Mess. Hutchinson, [Daniel] Chipman, and [Arad] Hunt, to join such Committee as Governor and Council may appoint.

Attest A. Haswell Clk. Pro Tem." which was read and it was Resolved, That Mr. Loomis join the Committee appointed by the House.

An Engrossed Bill, Entitled "An Act laying a Tax of Two Cents per acre on Philadelphia," [Chittenden in part,] referred from the last Session of the Legislature, was received from the House with this order thereon: "In General Assembly Octr. 13, 1804. Referred to the Third Land-Tax Committee. Attest A. Haswell Clk. Pro Tem." whereupon it was Resolved, To concur in the Reference made by the House.

The Letter of General Schuyler, communicated to the House of Representatives by the Governor, was returned from the House with the following order thereon: "In General Assembly Octr. 15, 1804, Read and referred to a Committee of Five, to join, viz. J. Fisk, Wm. C. Harrington, Shaw, Enos and Buel. Attest, A. Haswell Clk. Pro Tem." The order of the House being read it was Resolved, That Mr. Niles join the Committee appointed by the House.

The following Resolution was Received from the House: "In General Assembly Octr. 15, 1804.—Whereas it appears to this Assembly that there is great want of regularity in the rules, regulations and proceedings in the different County Courts in the various parts of this State: In some Counties a more prompt adherance to rules and speedy execution of Justice: In others a greater relaxation and indulgent delays, to the unequal distribution of speedy justice among the Citizens of the various parts of this State, who have interchangeable deal and demands: Therefore, Resolved, by this Assembly, that a Committee, consisting of a Member from each County, be appointed to join Committee from Council, to take under consideration and point out some more effectual measures for uniformity and dispatch in the Proceedings of the County Courts in this State, and report by Bill or otherwise. Octr. 15, 1804, Extract from the Journals, Attest A. Haswell Clk. P. Tem. Committee appointed by the House, Messs. Solo. Wright, [Lemuel] Whitney, D. Dyer, [Elihu] Luce, [Daniel] Chipman, [Nathaniel] Wheatley, J. Jones, [John] Cameron, [Solomon] Walbridge, [Luther] Chapin and [Samuel] Beach. Attest A. Haswell Clk. Pro Tem." which Resolution being Read it was Resolved to concur therein, and that Mess. Witherell and Galusha join the Committee appointed by the House.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The Governor and Council, agreeably with the Concurrent Resolution of both Houses, proceeded to the Representatives' Room, and after having chosen the Judges of the Supreme Court, the Council returned to their Chamber and resumed the consideration of business.

Two Petitions, one from the Inhabitants of the Town of Windham, and one other from the Towns of Random [Brighton,] Newark, Easthaven, Granby, and Guildhall, praying for Land-Taxes on those respective Towns, were received from the House with this order on each: "In General Assembly Octr. 16, 1804, Referred to the First Land-Tax Committee, to join with Council. Attest Martin Post Clk." whereupon it was Resolved, That the Council join the House in the above reference.

A Petition for a Land-Tax on Groton was sent from the House with this order minuted thereon: "In General Assembly Octr. 16, 1804, Called up and Referred to the Second Land-Tax Committee, to join. Attest M. Post Clk." on which it was Resolved to concur in the above reference.

The Petition of Caleb Blodget for a new Trial was received from the House with this order thereon: "In General Assembly Octr. 16, 1804, Read and Referred to the Committee for new Trials, to join. Attest

M. Post Clk." which was read and it was Resolved, that Mr. Galusha join the Committee for new trials appointed by the House.

A Petition and Remonstrance from the Town of Shrewsbury, also one from the Town of Danby, against granting Turnpike Roads, were received from the House with this order on each: "In General Assembly Oct^r. 16, 1804, Read and Referred to the First Turnpike Committee, to join. Attest M. Post Clk." which was read and it was Resolved to concur in the above reference.

Four Petitions, one from Proprietors of Williamstown Centre Turnpike, one from the President and Directors of the Green Mountain Turnpike Company, one from the Weathersfield Turnpike Corporation, and one other from the Caledonia Turnpike Company, were received from the House with the following order on each: "In General Assembly Oct^r. 16^th, 1804, Read and Referred to the Second Turnpike Committee—Mess. Shaw, Chipman, Hunt, Potter, and Enoch Hale, to join Committee from Council. Attest M. Post Clk." upon which it was Resolved. That Mess. Safford and Chittenden join the Second Turnpike Committee appointed by the House.

A Bill, referred from the last Session of the Legislature, Entitled "An Act directing Listers in their Office and Duty," was sent up from the House with the following order of the House thereon: "In General Assembly Oct^r. 13, 1804, Committed to Mess. Buel, Bump, & D. Dyer. Attest A. Haswell Clk. Pro Tem. Oct^r. 15^th, Mes^s. Shumway, Chipman, Rich, and Richards added to former Committee, to join such Committee as the Governor and Council may appoint. Attest M. Post Clerk," which being read it was Resolved, That Gov. Brigham and M^r. Wither[illegible] join the aforesaid Committee appointed by the House.

Adjourned to Tomorrow Morning at 9 O'clk.

Wednesday October 17^th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

Agreeably with the Concurrent Resolution of both Houses the Governor and Council proceeded to the Representatives' Room, for the purpose of receiving the County Nominations and appointing the several County Officers, and after making some progress the joint Committee was adjourned to the opening of the House on Tuesday next in the afternoon, and the Council returned to their Chamber and Adjourned to 2 O'clock P. M.

2 O'clock P. M.—M^r. Keyes asked for leave of absence until Monday next, and on motion it was Resolved, That he have leave.

A Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay to Solomon Bingham Ju^r. the sum therein mentioned," was sent to the Governor and Council for their Revision, Concurrence, or proposals of amendment, and being read it was Resolved, To concur with the House in passing the said Bill into a Law.

The Petition of Timothy Lovell against Joseph Ackley was received from the House with the following order thereon: "In General Assembly Oct^r. 16^th, 1804, Read and Referred to Mess^s. Shumway, Sol^o. Wright, and E. Porter. Oct^r. 17^th, ordered to join Committee from Council. Attest M. Post Clk." which was read and it was Resolved, That M^r. White join the Committee appointed by the House.

A Petition for a Turnpike Road, from the Green Mountain Turnpike to Rutland Court-House, was received from the House with this order thereon: "In General Assembly Oct^r. 17^th, 1804, Read and Referred to

the First Turnpike Committee, to join. Attest M. Post Clk." whereupon it was Resolved, To concur in the above Reference.

The Memorial of Hadlock Marcy and others was received from the House with this order thereon: "In General Assembly Oct^{r} 17, 1804, Read and Referred to Mes^{s} Hurd, Hunt, and Norton, to join Committee from Council. Attest M. Post Clerk," upon which it was Resolved, That M^{r} Spooner join the aforesaid Committee appointed by the House.

The following Resolution was sent from the House of Representatives: "On Motion, Resolved, That it be recommended to the Governor, by and with the advice and consent of Council, to appoint Thursday the sixth day of December next to be observed as a day of Public Thanksgiving and Praise throughout this State. Resolution passed Oct^{r} 16th, 1804. Attest M. Post Clerk," which Resolution being Read, it was Resolved, That the Council advise the Governor to issue his Proclamation for the purpose specified in the above Resolution.

The Honorable Jonathan Robinson Esquire appeared in Council and having signified his acceptance of the office of Chief Judge of the Supreme Court of Judicature and of the Court of Chancery, the Oath of Office, and to Support the Constitution of the United States, were administered to him by His Honor the L^{t} Governor. The Honorable Royall Tyler Esquire also appeared in Council and having signified his acceptance of the office of one of the Assistant Judges of the Supreme Court of Judicature and of the Court of Chancery, the oath of office and to support the Constitution of the United States were administered to him by His Honor the L^{t} Governor.[1]

A Bill, passed in the House of Representatives, Entitled "An act confirming the Doings of William Darling a Deputy Sheriff of Caledonia County," was sent up to the Council for their Revision &c. and being read it was Resolved, That it be referred to Mess. Niles and Loomis with the accompanying Papers. The Committee on the Bill Entitled "An act confirming the doings of William Darling a Deputy Sheriff of Caledonia County," reported that it ought to pass, upon which it was Resolved, To concur with the House in passing said Bill into a Law.

Adjourned to 9 O'clock Tomorrow Morning.

THURSDAY October 18th, 1804, 9 O'clk. P. M.

The Council met pursuant to adjournment.

A Bill, passed in the House of Representatives, Entitled "An Act directing the Treasurer to pay to Richard Skinner the sum therein mentioned," was sent to Council for their Revision &c. and being Read it was Resolved, To concur with the House in passing said Bill into a Law.

A Petition from the Town of Orange, praying for a Land-Tax, was received from the House with this order thereon: "In General Assembly Oct^{r} 17, 1804, Referred to the first Land-Tax Committee, to join. Attest M. Post Clk"—whereupon it was Resolved, To concur with the House in the above Reference.

A Petition from the Inhabitants and Landowners of M^{t} Tabor, praying for a Land-Tax, was received from the House with this order thereon: "In General Assembly Oct^{r} 17, 1804. Read and Referred to the Second Land-Tax Committee, to join. Attest M. Post Clk"—whereupon it was Resolved, To concur in the Reference of the above Petition.

The Resolution, which originated in Council, relative to the unfinished business before Council, was returned from the House with the following orders and reports thereon: "In General Assembly Oct^{r} 15, 1804, Read and Concurred in by the House, and Mess. Shaw, Chipman, and Sheldon

[1] The other judge was Theophilus Harrington.

appointed a Committee accordingly. Extract from the Journals, Attest M. Post Clk. Rutland Oct$^{r.}$ 16^{th,} 1804—To the General Assembly now sitting: The Committee to whom the within Resolution was referred, report, that in their opinion, any Bill or Bills described in the Resolution, ought to be repealed and in that way be laid open for the consideration of the Present Legislature, and that any other Business before the Council be taken up anew. N. Niles for Com$^{e.}$ In General Assembly Oct$^{r.}$ 17, 1804. Report of Committee Read, accepted and M$^{r.}$ Chipman appointed a Committee, to join such Committee as the Governor and Council may appoint, to bring in a bill agreeably to said Report. Extract from the Journals, Attest M. Post Clk." which Report and order of the House thereon being Read it was Resolved, That the Governor and Council do nonconcur with the House in appointing a Committee for the purpose mentioned above, and also that they do not accept the Report of the joint Committee from both Houses. M$^{r.}$ Galusha then introduced the following Resolution—In Council, Oct$^{r.}$ 18, 1804, Resolved, the General Assembly concurring therein, that the Secretary to the Governor and Council be and he is hereby directed to return all the Bills to the Clerk of the General Assembly, that remained before the Governor and Council at the rising of the Legislature in February last and which were laid over by the Concurrent Resolution of both Houses, in order that [they] may be taken up and acted upon the present Session—Which Resolution was adopted and M$^{r.}$ Galusha requested to inform the House of the Reasons of Council in adopting it, and also the Reasons for which they non-concurred in the orders of the House on the former Resolution.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Nine Petitions, praying for Turnpike Roads, one from Sol$^{o.}$ Strong and others, one from Danby to Manchester, one from Tim$^{o.}$ Fisher and others, one from Rutland Court-House to the west line of the State, one from Abraham Bowen and others, one from Orange Train and others, one from Josiah Rising and Harrison Elwell, one from Rutland Court-House to Stockbridge, and one other from Rutland to Stockbridge, were received from the House with the following order on each: "In General Assembly Oct$^{r.}$ 18^{th,} 1804, Referred to the first Turnpike Committee. Attest M. Post Clk."—upon which several Petitions it was Resolved, To concur with the House in their reference to the First Turnpike Com$^{ee.}$

Three Petitions, praying for Land-Taxes, one from Philadelphia, [Chittenden,] one from Barton, and one from Northfield, were received from the House with this order on each: "In General Assembly Oct$^{r.}$ 18^{th,} 1804, Referred to the first Land-Tax Committee, to join. Attest M. Post Clk." whereupon it was Resolved to concur in the above Reference of those Petitions.

A Petition for a Land-Tax on the Towns of Ripton, Goshen, and Philadelphia [Chittenden,] was received from the House with this order thereon: "In General Assembly Oct$^{r.}$ 17^{th,} 1804, Referred to the Third Land-Tax Committee, to join. Attest M. Post Clk." in which Reference it was Resolved, To concur.

A Petition from the Inhabitants of Charlotte was rec$^{d.}$ from the House with these orders on it: "In General Assembly Oct$^{r.}$ 15^{th,} 1804, Read and Referred to Mess. S. Porter, Lyon, and E. Allen. Attest A. Haswell Clk. Pro Tem. Oct$^{r.}$ 18, 1804, The Committee appointed on this Petition was ordered to join such Committee as the Council may appoint. Attest M. Post Clk."—which was read and it was Resolved, That M$^{r.}$ Chittenden join the above Committee from the House.

A Petition from the Inhabitants of Lyndon was received from the House with this order thereon; "In General Assembly Oct^{r} 18th, 1804, Read and referred to the Committee on the Listers' act, to join &c. Attest M. Post Clk."—which was read [and] it was Resolved, To concur in the above Reference.

A Petition from the Inhabitants of Corinth with the following orders thereon was also Received from the House: "In General Assembly Oct^{r} 16th, 1804. Read and Referred to Mess^{rs} W. C. Harrington, Sheldon, and Hunt. Attest M. Post Clk. Oct^{r} 17, Ordered that the Committee, to whom this Petition was referred, join with Council. Attest M. Post Clk."—which was read and it was, on motion, Resolved, That Mess. Fletcher & Safford join the abovementioned Committee appointed by the House.

The following Resolution was sent from the House—"In General Assembly Oct^{r} 18th, 1804—On motion of M^{r} Tarbox, Voted, That the First Turnpike Committee be discharged from acting on the Bill and Petition relating to a Road thro' Randolph. Extracts from the journals. Attest M. Post Clk."—which Resolution was read, and on motion, Resolved, That the Governor and Council concur in the same.

Two Petitions, one from a number of the Inhabitants of Tinmouth, and one from a number of the Inhabitants of Danby, were received from the House with the following order on each: "In General Assembly Oct^{r} 17, 1804—Read and Referred to the Committee on the Petition of Benjamin Jaquith. Attest M. Post Clk."—whereupon it was Resolved, To concur in the above reference.

A Communication from Gamaliel Painter Esquire, covering Two Proposals for Building a State's Prison, was received from the House with this order thereon—"In General Assembly Oct^{r} 17, 1804—Read and Referred to Mess. Shumway, Aiken, E. Porter, W. Perry, Buckingham, E. Butler, Chipman, Moffet, Pomeroy, Stanley, and D. Dana, to join Committee from Council. Attest M. Post Clk"—which Proposals and Communication were read with the order of the House thereon, and it was, on motion, Resolved, That Gov^{r} Brigham and M^{r} Wheelock join the Committee from the House.

Two Engrossed Bills, passed in the House of Representatives, were sent up to Gov^{r} and Council for their Revision &c.—one Entitled "An Act remitting a Sum of Money to the Town of New Haven in the State of Vermont"—and the other Entitled "An act directing the Treasurer to pay Samuel French the sum therein mentioned"—which were severally read, and it was, on Motion, Resolved, To concur with the House in passing said Bills into Laws.

M^{r} Hutchinson, from the House, informed the Council that the House had rescinded from their acceptance of the Report of the Committee of both Houses on the Resolution, which originated in Council, respecting the unfinished business in Council referred from the adjourned Session of the Legislature, and had also concurred in the Resolution, which originated in Council, directing the Secretary of the Governor and Council to deliver over all such Bills, referred as aforesaid, to the Clerk of the General Assembly.

In pursuance of the above joint Resolution the Secretary delivered to the Clerk of the General Assembly the following Bills &c.—one Entitled An Act Incorporating certain Persons therein mentioned by the name of the Onion River Turnpike Company—one Entitled An Act appointing a Committee to lay out and survey a road from the Bridge over Connecticut River in Norwich to Chelsea Court-House—and one Entitled an Act organizing certain Regiments of Cavalry therein mentioned; also a Report of a Committee for laying a Road thro' the

County of Orleans—and The Petition of Wait Rathburne and others for a Turnpike.

Adjourned to 9 O'clock Tomorrow Morning.

RUTLAND, Friday October 19th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of Elijah Dewey and others, for a Turnpike Road from Bennington to Pownal, was received from the House with this order thereon—'In General Assembly Oct$^{r.}$ 18, 1804, Read and Referred to the first Turnpike Committee, to join. Attest M. Post Clk."—in which Reference it was Resolved, To Concur.

A Petition for a Land-Tax on Goshen Gore by Wheelock was sent from the House with this order thereon—"In General Assembly Oct$^{r.}$ 18, 1804, Read and Referred to the Third Land-Tax Committee. Attest M. Post Clk."—whereupon it was Resolved, To concur in the above reference.

The Petition of Bohan Shepard, High Bailiff of Franklin County, was received from the House with the following order thereon: "In General Assembly Oct$^{r.}$ 18th, 1804, Read and Referred to Mess$^{rs.}$ Buckingham, Williams, and Stacey, to join. Attest M. Post Clk."—which was read and it was Resolved, That Mess. Fletcher and Witherell join the Committee appointed by the House.

A Bill, passed in the House of Representatives, Entitled "An Act annexing a part of the Town of Addison to the Town of Weybridge," was sent up to Council for their Revision &c. and being read with the accompanying Petitions, it was, on Motion, Resolved, That it be referred to Mess. Wheelock and Witherell.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—A Bill, passed in the House of Representatives, Entitled "An Act relating to the Records and Town Officers of the Town of Leicester," was sent to Council for their Revision &c. and being Read, it was Resolved, That it be referred to Mess. Witherell and Loomis.

The Governor communicated to the Council a Letter and Memorial from Gen$^{l.}$ Ira Allen, which were read and it was Ordered, That the Secretary carry the same to the House of Representatives.

Two Bills, passed by the House of Representatives, one Entitled "An Act for the relief of the Inhabitants of Townsend," the other "An Act for the relief of the First Congregational [Society] in Townsend," were sent to Council for their Revision &c. and being read, it was Resolved, That they be Referred to Mess. Fletcher and Spooner.

Adjourned to 9 O'clock Tomorrow Morning.

SATURDAY October 20th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition for a Turnpike Road from Burlington to the State of New York, A Remonstrance from Sam$^{l.}$ Dwight and others against the Petition for a Turnpike from Bennington to Pownal, and An Act incorporating certain persons therein mentioned by the name of the Onion River Turnpike Company, were received from the House with the following order on each, viz. "In Gen$^{l.}$ Assembly Oct$^{r.}$ 19th, 1804, Read and referred to the First Turnpike Committee, to join. Attest M. Post Clk."—upon which it was Resolved, To concur in the above Reference.

A Petition from the Northern Turnpike Company was sent from the House with this order thereon: "In Gen$^{l.}$ Assembly Oct$^{r.}$ 19$^{th.}$ 1804, Read and Referred to the Second Turnpike Committee, to join. Attest M. Post Clk."—in which Reference it was Resolved to concur.

A Petition for a Land-Tax on Highgate was received from the House with this order minuted thereon: "In Gen$^{l.}$ Assembly Oct$^{r.}$ 19$^{th.}$ 1804, Read and referred to the Third Land-Tax Committee, to join. Attest M. Post Clk."—in which reference the Council concurred.

The Petition of Ira Allen was sent from the House with this order minuted on it: "In Gen$^{l.}$ Assembly Oct$^{r.}$ 19$^{th.}$ 1804. Read and referred to Mess. Shaw, Hendee, Baker, T. Hutchinson, and Olin, to join. Attest M. Post Clk."—which was read and Resolved, That M$^{r.}$ Niles join the Committee appointed by the House.

A Bill, passed in the House of Representatives, Entitled "An Act to ratify certain proceedings of the Town of Topsham," was sent up to the Council for their Revision &c. and being read, it was Resolved, To concur with the House in passing this Bill into a Law.

The Committee on the Bill, Entitled "An Act annexing a part of the Town of Addison to the Town of Weybridge," reported that it ought to pass without amendments, which report was accepted and it was Resolved, To concur with the House in passing the said Bill into a Law.

On Motion, M$^{r.}$ Niles introduced a Bill Entitled "an act in addition to an act Entitled an act directing the mode of the Election of Governor, L$^{t.}$ Governor, Treasurer, Councillors, and Town Representatives," which was read and Ordered, That it lie on the Table.

The Committee on the Bill Entitled "An Act relating to the Records and Town-Officers of the Town of Leicester," reported that it ought to pass with the following amendments, viz. After the word *That*, in the first line of the Third Section, erase the remainder of the Section and insert the following—"Salathiel Bump and Reuben Sexton Esquires of Salisbury, after being duly sworn to the faithful performance of such trust, are hereby authorized to examine the transcribed Records of the proceedings of the Town Meetings in said Town of Leicester, and if found correct to make their certificate in the Book containing said Records, certifying them to be truly copied from the original Records; and shall also insert in said Book the certificate of their oath from the authority before whom they were sworn, together with this act—which Records, so transcribed and certified, shall be deemed and become the legal Records of said Town, and certified extracts and copies from the same may be read in evidence in all cases in Law and Equity, and shall have the same force and effect as they would have had if certified from the original Records"—which report was accepted and it was Resolved, To concur in passing the said Bill into a Law with the proposed amendments, and M$^{r.}$ Loomis requested to inform the House of the Reasons of Council for adopting them.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Council met, and having no business before them Adjourned to 9 O'clock Monday Morning.

Monday October 22$^{nd.}$ 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of S. Brigham was sent from the House with this order thereon—"In Gen$^{l.}$ Assembly Oct$^{r.}$ 16$^{th.}$ 1804, Read and Referred to Mes$^{s.}$ B. Clap, Munson, and Hale, to join. Attest M. Post Clerk"—which Petition was read, and it was Resolved, That M$^{r.}$ White join the

Committee appointed by the House—also Two Petitions, one from Abel Willey, the other from Joseph Conner, which were referred by the House to the Committee on the Petition of S. Brigham, which Petitions being read, it was Resolved, To concur with the House in their Reference.

The Petition of the Weathersfield Turnpike Company was again rec^{d} from the House with this new order thereon—"In Gen^{l} Assembly Oct^{r} 20th, 1804, Report Read, not accepted, and recommitted to same Committee, to join. Attest M. Post Clk." in which recommitment the Council concurred.

The Petition of the Selectmen of Windham was received from the House with this order thereon: "In Gen^{l} Assembly Oct^{r} 19th, 1804, Read and Referred to Mess. Chipman, E. Butler, & Olin, to join Committee from Council. Attest M. Post Clk."—which was read and Resolved, that M^{r} Wheelock join the Committee appointed by the House.

The Petition of Timothy Allen against Asa Lyon for a new Trial was received from the House with this order on the same—"In Gen^{l} Assembly Oct^{r} 17, 1804, Read and referred to Committee for new trials, to join. Attest M. Post Clk."—which was read and the Reference on the same concurred in.

An Engrossed Bill, passed in the House of Representatives, Entitled "An Act directing the Treasurer to pay Benjamin Emmons Ju^{r} the sum therein mentioned," was sent up to Council for their Revision &c. and being read it was Resolved, To concur with the House in passing s^{d} Bill into a Law, with this Proposal of Amendment to be added to the Bill—"For his services as Auditor of accounts against this State until 16th Oct^{r} 1804."

An Engrossed Bill, passed in the House of Representatives, Entitled "An act supplementary to an act Entitled an act to incorporate the Third Medical Society," was sent up to Council for their Revision &c. and being Read it was Resolved, To concur with the House in passing the s^{d} Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in alteration of and to amend an act laying a Tax of Two Cents per acre in Waterbury &c." was sent up to the Council for their Revision &c. and being read it was, on motion, Referred to M^{r} Loomis to enquire into facts and make report.

A Bill, passed in the House of Representatives, Entitled "An Act remitting a Sum of Money to the Town of Berkshire," was sent up to the Council for their Revision &c. and being read it was Resolved, To concur with the House in passing the said Bill into a Law.

M^{r} Witherell, on motion, introduced a Bill Entitled "An act to empower Elizabeth Wooster, Administratrix, to sell and convey certain Lands," which was read and it was Resolved, That it be referred to M^{r} Galusha to join such Committee as the House shall appoint.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay to Joel Frost the sum therein mentioned," was sent up to the Council for their Revision &c. and being read, it was Resolved, To concur with the House in passing the s^{d} Bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A Bill, passed in the House of Representatives, Entitled "An act granting to the Town of Windham the privilege of being separately represented," was sent up to the Gov. & Council for their Revision &c. and being read, it was, on Motion, Resolved, That it be referred to M^{r} Fletcher.

The Officer of the House delivered the following written message: "In Genl. Assembly Octr. 22d. 1804, Resolved, That this House concur in the amendments proposed by the Governor and Council to the Bill Entitled "An act relating to the Records and the Town Officers of the Town of Leicester"—and also in the amendments proposed to a Bill Entitled "An act directing the Treasurer to pay to Benjamin Emmons Jur. the Sum therein mentioned." Extract from the Journals. Attest M. Post Clk."

The Bill, Entitled "An act in addition to an act Entitled an act directing the mode of the Election of Governor, Lt. Governor, Treasurer, Councillors, and Town Representatives," was again read and on Motion, Resolved, That it be referred to Mess. Niles and Galusha.

The Committee on the Bill Entitled "An act granting to the Town of Windham the privilege of being separately represented," reported that it ought to pass without amendments, which report was not accepted, and on Motion Resolved, That it be recommitted, with the addition of Mr. Spooner.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing part of the Town of Addison to the Town of Waltham," was sent up to the Governor and Council for their Revision &c. and being Read, it was, on Motion, Resolved, That it be referred to Mr. Witherell.

Adjourned to 9 O'clock tomorrow morning.

Rutland Tuesday October 23rd. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of Jabez G. Fitch against Eben W. Judd for a new Trial was received from the House with this order on the same—"In Genl. Assembly Octr. 22d. 1804, Read and Referred to the Committee on new Trials. Attest M. Post Clk"—which was read and it was Resolved, That the Govr. & Council concur in the above reference.

The Committee to whom was referred the "Act granting to the Town of Windham the privilege of being separately represented," reported the following Amendments: Amend the Title of the Bill by substituting the following in lieu of the present Title, "An Act in addition to and in alteration of an act Entitled An act forming the East part of Londonderry and Mack's Leg into a separate Town, passed October 22d. 1795." Insert the following preamble—"Whereas, by the aforesaid act the Town of Londonderry and the Gore called Mack's Leg were erected into two separate Towns by the names of Londonderry and Windham, for all purposes except that of electing and sending Two Representatives to the General Assembly & conventions; and whereas, from the local situation of the sd. two Towns, great inconveniencies arise to the Inhabitants of Windham, from being obliged to travel a great distance to attend Freeman's Meetings, to remedy which." After the word *That*, in the second line of the Bill, erase the remainder of the Bill and insert the following in lieu thereof, "both the said Towns of Londonderry and Windham in the County of Windham be, and they are, hereby, incorporated into two separate and distinct Towns, and that the Inhabitants residing therein shall have all the privileges and immunities belonging to other Incorporated Towns in this State, any Law, Usage, or Custom to the Contrary notwithstanding"—which Report was accepted and it was Resolved, To concur with the House in passing sd. Bill into a Law with the Proposed amendments, and Mr. Loomis requested to inform the House of the Reasons of Council in adopting those amendments.

The Committee on the Bill Entitled "An Act in alteration of and to amend an act laying a Tax of Two Cents on each acre in Waterbury," reported that it ought to pass without amendments, which report was accepted, and on motion Resolved, To concur with House in passing said Bill into a Law.

"An act laying a Land-Tax on Canaan" was received from the House with this order thereon: "Introduced by Mr. Beach. In Genl. Assembly Octr. 22nd, 1804, Read and referred to the First Land-Tax Committee, to join. Attest M. Post Clk"—in which Reference the Council concurred.

"An act suspending prosecutions against Nathaniel Callender" was also received from the House with the following order on it: "In Genl. Assembly Octr. 22nd, 1804, Read and Committed to the Committee on the Petition of S. Bingham [Brigham,] to join. Attest M. Post Clk"—which Bill was read, and Resolved, To concur with the House in the above reference.

The Petition of Timothy Brown against Ripley Torrey was sent from the House to Council with this order thereon—"In Genl. Assembly Octr. 22d, 1804, Read and referred to Messs. P. Smith, T. Hutchinson, and Shumway, to join Committee from Council. Attest M. Post Clk"—which Petition being read it was Resolved, That Govr. Brigham and Mr. Shepardson join the Committee from the House.

The Report of the Trustees of the University of Vermont, made agreeably with the Concurrent Resolution of both Houses at the adjourned Session at Windsor, with a number of Documents accompanying the same, was received from the House with the following order on the same: "In Genl. Assembly Octr. 22nd, 1804, Read, and with the accompanying Papers, referred to Messs. [Jacob] Galusha, [Mark] Richards, E. [Ezekiel] Porter, J. [James] Smith, [Henry] Olin, Jas. Fisk, E. [Ezra] Butler, [Jonathan] Elkins, [Seth] Pomeroy, [Timothy] Stanley, and D. [Daniel] Dana, to join Committee from Council. Attest M. Post Clk"—which report being read it was Resolved, That Govr. Brigham, Mess. Niles and Witherell join the above Committee appointed by the House.[1]

The following Resolution was received from the House: "Resolved, That a Committee of five be appointed to join such Committee as the Governor and Council may appoint, to make enquiry concerning the Glebe Lands in the several Towns in this State, and make Report to this House whether the said Lands belong to this State, and if so, in what way they shall be disposed of. In Genl. Assembly Octr. 22nd, 1804, Read and referred to Mess. [Asa] Lyon, T. [Titus] Hutchinson, [Samuel] Shaw, D. [Daniel] Dana, and E. [Ezra] Butler, to join. Attest M. Post Clk"—which Resolution being read, it was Resolved, To concur therein, and that Messs. White and Spooner join the Committee appointed by the House.

An Engrossed Bill, passed in the House of Representatives, Entitled "An Act appointing a Committee to lay out and survey a Road leading from White River in Royalton &c." was sent up to the Council for their Revision &c. and being read, it was, on Motion, Resolved, That it be referred to Mr. White.

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[1] Pursuant to a joint resolution of the Legislature of Feb. 4, 1804, (see Vol. IV, p. 418,) the Trustees submitted a report of its income from leased lands and from subscriptions, and of its expenditures for edifices for the college and its president, &c., for which see printed *Assembly Journal* of October session, 1804, p. 118.

An Engrossed Bill, passed in the House of Representatives, Entitled "An Act enabling the Clerk of the County of Caledonia to record the Sales of Robert Whitelaw as Collector," was sent up to Council for their Revision &c. and being Read, it was, on motion, Resolved, That it be referred to Mr. Safford.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor and Council, pursuant to adjournment, joined the House of Representatives in their Room in joint Committee, and making progress, the Committee was adjourned to Friday next, at the opening of the House in the afternoon, and the Govr. & Council returned to their Chamber and resumed the consideration of business.

The Committee on the Bill Entitled "An act in addition to an act Entitled an Act directing the mode of the Election of Governor, Lt. Governor, Treasurer, Councillors, and Town Representatives," reported the Bill with sundry amendments, and it was Resolved, That the said Bill do pass, and that it be engrossed and sent to the House for their Concurrence, &c.

The Officer of the House delivered in Council this message from that Body: "In Genl. Assembly Octr. 23, 1804, Resolved, that the House concur in the Amendment proposed by the Governor and Council to the Bill originally Entitled "An act granting to the Town of Windham the Privilege of being separately Represented in the General Assembly of this State." Extract from the Journals, Attest M. Post Clk."

Adjourned to 9 O'clock Tomorrow Morning.

Wednesday, October 24th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Safford asked and obtained leave of absence for the remainder of the Session after tomorrow.

The First Turnpike Committee having reported to the House against the Petitions, Bills, &c. which had been referred to them, the Report was sent up to Council with the following order of the House thereon: "In Genl. Assembly Octr. 23d. 1804, Report read, not accepted, the Papers all recommitted to the First Turnpike Committee, to join Committee from Council, with the addition of Two Members, viz. Mess. Chipman and Shaw from the House, to examine each Petition, Bill and Remonstrance, separately, state facts and make separate Reports. Extract from the Journals. Attest M. Post Clk"—which Report and the order of the House thereon being read, it was Resolved, To join with the House in the above reference, and that Mr. Niles be added to the Committee from the Council.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The Committee on the Bill Entitled "An act appointing a Committee to lay out and survey a Road leading from White River in Royalton &c." reported the following Amendments—"after the word *opened* in the second line of the provisional clause in the Third Section, erase the remainder of the Clause and insert the following—"and established, until all Damages thereby done to Individuals shall be paid: which Damages shall be assessed by the Committee named in the First Section of this act, and in case any person, by such assessment, shall think him or herself aggrieved, he or she may make application to any Justice of the Peace in the County where the Damages are to be appraised, and the same proceedings shall thereupon be had as is

pointed out by Law where Roads are laid out and altered by the Selectmen of Towns"—which amendment was adopted. and, on motion, Resolved, To concur with the House in passing the s[d] Bill into a Law with the proposed amendments, and M[r]. White requested to inform the House of the Reasons of Council in adopting those amendments.

The following Engrossed Bills, passed in the House of Representatives, were sent up to the Gov[r]. & Council for their Revision &c.—"An Act laying a Tax of Three Cents per acre on the Town of Peru:" "An Act laying a Tax of Two Cents per acre on the Town of Irasburgh;" "An Act in addition to an act Entitled an act laying a Tax of Three cents per acre on Lincoln, and one Cent per acre on Avery's Gore." "An act appointing a new member of a Committee on a Land-Tax in Navy" [Charleston;] "An act laying a Tax of Three Cents per acre on the Town of Billymead" [Sutton;] and "An Act annexing a part of Putney to Brookline"—which Bills were severally read and considered, and it was Resolved, To concur with the House in passing them into Laws.

The Following Message was received from the House—"In Gen[l]. Assembly Oct[r]. 24[th], 1804, Resolved, that this House do concur with the Governor and Council in their amendment proposed to the Bill Entitled "An act appointing a Committee to lay out and survey a Road leading from White River in Royalton" &c. &c. Extract from the Journals, Attest M. Post Clk."

Adjourned to 9 O'clock Tomorrow morning.

RUTLAND, Thursday, October 25[th], 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition for a Land-Tax on the Towns of Ripton, Goshen, and Philadelphia [part of Chittenden,] was again received from the House with the following new order minuted thereon: "In General Assembly Oct[r]. 24[th], 1804, Report read and recommitted to the Third Land-Tax Committee, to join. Attest M. Post Clk"—in which recommitment the Council concurred.

The Petition for a Land-Tax on Wenlock and Brunswick was again sent up to Council with this new order of the House on it—"In General Assembly Oct[r]. 24[th], 1804, Report read and recommitted to the second Land-Tax Committee, to join. Attest M. Post Clk"—in which recommitment the Council concurred.

Two Bills, one Entitled "An Act granting to John and Charles McNiel the right of keeping Ferries in Charlotte," and the other Entitled "An Act granting to Charles McNiel the right of keeping a Ferry," were received from the House with this order on each—"In General Assembly Oct[r]. 24[th], 1804, Referred to the Committee on the Petition from Charlotte, to join. Attest M. Post Clk"—whereupon it was Resolved to concur in the above Reference.

The Petition of John Nott was received in Council with this order of the House thereon: "In General Assembly Oct[r]. 24[th], 1804, Read and Referred to Mess[s]. Ja[s]. Fisk, Potter, & Rich, to join. Attest M. Post Clk"—upon which it was Resolved, That M[r]. Loomis join the above Committee appointed by the House.

The joint Committee appointed on the Bill Entitled "An act concerning Costs of Criminal Prosecutions," having reported to the House a new Bill with the same Title as a Substitute for the former one, it was sent up to Council with this order of the House thereon: "In General Assembly Oct[r]. 24[th], 1804, Read and recommitted to the same committee, to join, and made the order of the day for Monday morning next. At-

test M. Post Clk"—which new Bill was read, and it was Resolved, To join the House in their Reference as above.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to incorporate the Owners and Proprietors of an Acqueduct in Middlebury," was sent up to Council for their Revision &c. and being Read, it was, on Motion, Resolved, That it be referred to Mr. Witherell.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act empowering the Proprietors of the Town of Weybridge to lay out their undivided Lands by Pitches," was sent up to Council for their Revision &c. and being read, it was Resolved, That it be referred to Mr. Niles.

Mr. Galusha asked and had leave to introduce a Bill Entitled "An act relating to the duty of the several County, Town, and Society Clerks in this State," which was read and Ordered, That it lie on the Table.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing part of the Northern School-District in Stockbridge to the Middle School-District in Pittsfield," was sent up to the Council for their Revision &c. and being read, it was Resolved, That it be referred to Mr. Fletcher.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing part of the Town of Bolton to the Town of Richmond," was sent up to Council for their Revision &c. and being read it was Resolved, To concur with the House in passing sd Bill into a Law.

The Committee on the Bill Entitled "An act annexing a part of the Town of Addison to the Town of Waltham," report that the same ought to pass, whereupon it was Resolved, To concur with the House in passing the said Bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee on the Bill Entitled "An act annexing part of the Northern School-District in Stockbridge to the Middle School-District in Pittsfield," reported that it ought to pass, whereupon it was, on Motion, Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act establishing a Corporation by the name of the Williamstown Centre Turnpike Company," was sent up to Council for their Revision &c. and being read Mr. Galusha moved that it be amended by erasing the word "fifty" in the sixth line of the Bill, and that the word "forty" be inserted, and the yeas and nays being required by Mr. Witherell were as follows, viz. *Yeas*, Govr. Brigham, Messs. Galusha, Chittenden, Loomis, White, Niles, Spooner, and Fletcher—*Nays*, Mess. Witherell, Shepardson, and Wheelock. Yeas 8, Nays 3, so the amendment was adopted, and, on motion, Resolved, To concur with the House in passing said Bill into a Law as amended, and Mr. Fletcher requested to inform the House of the Reasons of the said Amendment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act establishing Proprietors' Records in Irasburgh," was sent up to Council for their Revision &c. and being read, it was, on Motion, Resolved, That it be referred to Mess. Spooner and Galusha.

The Committee from both Houses, appointed on the Bill Entitled "An act to empower Elizabeth Wooster, Administratrix, to sell and convey certain Lands," reported to Council that it ought to pass, whereupon it was Resolved, That the said Bill do pass, and ordered, that it be engrossed and sent to the House for their concurrence.

The Committee appointed on the Bills, one Entitled "An act for the relief of the First Congregational Society in Townsend," the other "An

act for the relief of the Inhabitants of Townsend," reported that the same ought not to pass, which report was accepted and on Motion it was Resolved, To nonconcur with the House in passing the s^d^ Bills into Laws, and M^r^ Niles requested to draught the Reasons of Council for such nonconcurrence, which he reported as follows, and they were adopted—"Said Bills appear either to be useless or to be of the nature of *ex post facto* laws; they are designed either to render legal what was illegal, or they can have no legal effect."

The Committee on the Bill Entitled "An act to incorporate the Proprietors and owners of an Acqueduct in Middlebury in the County of Addison," reported that the following new Section be added to the bill as an amendment, viz. "Sec^t^ 4. And it is hereby further enacted, That the Shares in said acqueduct shall be taken, deemed and considered personal Estate to all intents and purposes, and shall and may be transferable in such manner as said Corporation by their Bye-Laws may direct and establish. And when any Share or Shares shall be attached on mesne process, an attested copy of such process, with the officer's return thereon, shall be by such officer left immediately with the Clerk of such Corporation, otherwise the attachment shall be void. And such Shares may be sold on Execution in the same manner as is or may be by Law provided for the sale of other personal property, the Creditor leaving an Attested Copy of the Execution, with the officer's return thereon, with the Clerk of said Corporation within fourteen days after such sale, and paying for recording the same. And such Share or Shares so sold as aforesaid shall to all intents and purposes vest in such purchaser"—which amendment was adopted, and, on motion, it was Resolved, To concur with the House in passing said Bill into a Law, with the amendment proposed, and M^r^ Witherell requested to inform the House of the Reasons of Council.

The Bill Entitled "An act directing Listers in their office and duty," was again received from the House with the following new order thereon: "In General Assembly Oct^r^ 25^th^ 1804. Report read, accepted, and referred to the same Committee, to join, to take all the Listers' acts into consideration and report by Bill or otherwise. Attest M. Post Clk"—in which Reference the Council concurred.

The Petition of Bohan Shepard, High Bailiff of Franklin County, was again received from the House with this new order thereon: "In General Assembly Oct^r^ 25, Report of Committee read, not accepted, recommitted to the same Committee, to join, to take into consideration the Law alluded to, and to report by Bill or otherwise. Attest M. Post Clk"—in which recommitment the Council concurred.

Adjourned to 9 O'clock Tomorrow Morning.

FRIDAY October 26^th^ 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

M^r^ Keyes returned and took his seat in Council.

M^r^ Witherell asked and had liberty to introduce a Bill Entitled "An act in addition to an act regulating Marriages and Divorces," and being Read it was Ordered, To lie on the Table.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Three Cents per acre on the Town of Fletcher," was sent up to Council for their Revision &c. and being read was, on motion, amended by inserting after the word "Tax," in the tenth line of the Bill, the following words, "a part of which said Tax, not less than one Third, nor exceeding the one half of the whole sum raised by said

Tax, shall be expended by said Committee in repairing the Post-Road leading thro' said Town," and Resolved, To concur with the House in passing the said Bill into a Law, with the above proposed amendment, and Mr. Shepardson requested to inform the House of the Reasons of Council.

Mr. Niles asked and obtained leave to introduce a Bill Entitled "An act to prevent the Transportation of Grain out of this State," which was read, and Ordered, To lie on the Table.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor and Council, pursuant to adjournment, joined the House of Representatives in their Room, for the purpose of compleating the appointments of the several County Officers, and having made progress in that business, the Committee was adjourned untill Friday next at the opening of the House in the afternoon, and the Governor and Council returned to their Chamber and resumed the consideration of business.

The "Act relating to the duty of County, Town, and Society Clerks in this State," was again read and referred to Mr. Shepardson, together with Two other Bills relating to the same subject introduced by Mess. Niles and Loomis.

The Petition of Capn. John Vincent was received from the House with this order thereon: "In Genl. Assembly Octr. 26th, 1804, Read and Referred to Messs. Shaw, Olin, and Buckingham, to join Committee from Council. Attest M. Post Clk"—which was read, and it was Resolved, That Mr. Spooner join the above Committee appointed by the House.[1]

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[1] From the printed *Assembly Journal* of Oct. 29 1804, p. 195:

The petition of Captain John Vincent, an Indian, with the report of the Committee thereon, were read as follows:

To the Fathers of the People of Vermont, now assembled in Grand Council at Rutland. Brothers, When your fathers, to avoid persecution, fled from England and the English nation, they came across the big Lake that separates Europe from America, and settled among the Indians, of whom I am a descendant. At that time, *your* fathers were weak, without friends, and without provisions or wigwams:—My fathers gave them protection, became their friends, and furnished them with provisions. And when the King of England assumed an oppressive authority over them, they opposed his oppression: and a friendship existed between them and my tribe. At the commencement of the war that divided the Colonies from Great-Britain, *Captain John Vincent* was a firm friend of the United States. Under General Washington he became attached to their cause, and constantly directed his arrows against the British Sachem. From the river Kennebec, through the wilderness, to Quebec, he pointed out the way, and fought under General Montgomery, at the seige of that place. Following the fortune of the Americans, he fought under General Gates, at Stillwater, and assisted in taking Gen. Burgoyne, and at various other places; and during the whole war, was engaged in the American service.

Brothers, I am now become old, I am become old in your service, fighting your battles. Seventy-three winters have gone, and almost half of them I have been among you.

Brothers, When Capt. *John* became your friend, he was a young man —he could then catch Beavers and Deer enough to feed and clothe him; but having, thro' age, lost his activity, the means of his support are cut

The Petition of the Caledonia Turnpike Company was again received from the House with this new order minuted thereon: "In General Assembly Oct^r 26, Read and referred to the Second Turnpike Committee, to join. Attest M. Post Clk"—in which recommitment the Council concurred.

The Committee on the Bill Entitled "An act establishing Proprietors' Records in Irasburgh," reported the following amendment,—"after the word "*That*," in the second line of the act. erase the remainder of the act and insert the following, "That the Proprietors of said Irasburgh be and they are hereby empowered, at any future Proprietors' meeting legally warned and holden for that purpose, to ratify and confirm the for-

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off, and he is obliged to ask of you a maintenance, which he refused, for your cause, to receive from others.

Since the last war. *Brothers*, I have stayed on your mountains and in your forests, and I have preserved that *staying*, by means of hunting, and some handicraft business, and at no time (for I appeal to the men of Rutland, and others, who know Captain John) have I departed from the path of friendship and honesty.

Brothers, I come before you to solicit assistance. The Great Spirit will soon take me to my fathers; Will you give me something to procure me meat and blankets till the *Great Alknomak* shall call me away.

Capt. JOHN VINCENT.

To the General Assembly now sitting, Your committee to whom was referred the petition of Capt. John Vincent, *Report*, that the facts therein contained are true, and that he have leave to bring in a bill, granting him the sum of twenty five dollars, and to appoint a guardian to receive the same for his use. ELIAKIM SPOONER, *for committee.*

The appropriation recommended was made, and Hon. Elias Keyes was appointed guardian; in 1806, John Fuller of Sherburne was authorized to draw thirty dollars annually for Vincent's support; in 1807, $59.35 was granted to several persons who had contributed for his support, and in 1809 an act was passed authorizing James D. Butler of Rutland to draw not exceeding sixty dollars annually for his support.

The following, originating in one of the newspapers published at Rutland, is copied from *Spooner's Vermont Journal* of July 23 1810:

Died, at Parkerstown [Mendon,] on the 3d inst. at the house of *Johnson Richardson, Esq.* Capt. JOHN VINCENT, an Indian, aged 95. In 1755, he had a command among the Cognawogga tribe, then opposed by French influence to these then colonies and provinces. Gen. Braddock was at that time defeated at Fort du Quesne, near where Pittsburgh now is. Capt. Vincent had reconnoitered the country southerly to the mouth of the Scioto, and had returned before the engagement. He formed the ambuscade, which defeated Braddock. Upon the death of Braddock he commanded and contended against Colonel Washington, and has often said that if Braddock would have known the great man then advising him, he would have been preserved. That Braddock did not consider Colonel Washington as a soldier, and therefore lost his life. —That Col. Washington harrassed the French and Indians, when they supposed themselves to be the conquerers. At that time Capt. Vincent returned with his warriors to his tribe—That at the commencement of the revolutionary war, he, Capt. John, soon learned that Col. Washington was commander in chief—that his tribe being in British interests, he left them, fully believing that the Great Spirit had preserved Col.

mer allotment, survey and division of said Town into severalty, and when so confirmed by the Proprietors, at their legal meeting holden as aforesaid, the same shall be as good and valid in Law, to all intents and purposes, as tho' the survey, allotment and division had been previously made in the manner prescribed by a Statute Law of this State in that case made and provided, any Law, Usage or Custom to the contrary notwithstanding"—which amendment was adopted and it was Resolved, To concur with the House in passing s^d^ Bill into a Law as amended, and M^r^ Galusha appointed to assign the Reasons therefor to the House.

Adjourned to 9 O'clock Tomorrow morning.

SATURDAY October 27^th^, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act empowering the Treasurer of this State to convey certain

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Washington—that a number of his young warriors, after the death of Braddock, had shot at Washington, but nobody could kill him—that about the year 1779, Capt. John received from General Washington a Captain's commission. He piloted the American troops from Cambridge through the province of Maine to Quebec.* He was at Quebec when Montgomery fell. He well understood the history of the revolutionary war, having in 1775 espoused the American cause, and his tribe being seduced to the British interest. He has since secreted himself among our mountains in Sherburne.

The Legislature of Vermont having known this distinguished chieftain, long since made him a pensioner. Capt. John was early educated by a Roman Catholic Priest in the French language and in the tenets of that church. These early impressions were not erased. At no time was this tenant of the forest known to rise without his orisons, to sleep without his vespers, or to eat without at least offering up his silent but reverent petition. From this Roman instructor he had received a large French bible. This he often read and preserved as his best inheritance, and it is said has bequeathed it to the Rev. Heman Ball of this village [Rutland.] It is not supposed that Capt. Vincent was perfect, but he was brave, generous, humane, and pious. He not only knew how to distinguish wisdom from folly, but could see God in the clouds and hear him in the wind. A uniform coat, presented him by General Washington, he bequeathed, with some other articles, to Mr. Richardson. This proud trophy has been preserved unsullied.

*In Irving's *Life of Washington*, Vol. II, pp. 48-9, it is stated that in 1775 several Indian chiefs waited upon Washington, in the camp at Cambridge, "to have a talk about the impending invasion of Canada. One was chief of the Caughnawaga tribe."

This does not clearly identify Vincent as the chief; but there are other and good grounds for according credit to his statements: Gen. Roger Enos, who commanded one of the bodies of troops through the first part of Arnold's expedition, was living in Colchester at the time the foregoing report was made, and of course had personal knowledge of the matter; and the committee consisted of intelligent and honorable men, who would make no statement that was not satisfactorily vouched, and probably by several persons who had personal knowledge of the facts. Two of the committee, Samuel Shaw and Henry Olin, were subsequently Members of Congress, and the third, Jedediah P. Buckingham, was a candidate for the same office.

Lands," was sent up to the Governor and Council for their Revision &c. and being read it was, on motion, Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act altering the name of David Hogg Junr. to David Hall," was sent up to Council for their Revision &c. and being read it was, on motion, Resolved, To concur with the House in passing the same into a Law.

Two Engrossed Bills, passed in the House of Representatives, both Entitled "An act directing the Treasurer to pay Joseph C. Waller the sum therein mentioned," were sent up to Council for their Revision &c. and being read it was Resolved, That they be referred to Messrs. Loomis and Galusha.

The Committee on the above Bills requested that the Committee from the House might be heard on the subject of those Bills, which being granted, Messrs. Whitney and Pomeroy, a part of the Committee appointed by the House to take those Bills under consideration, stated the Grounds upon which the House had passed them, founded upon their Report.—Those Gentlemen having withdrawn, it was Resolved, To concur with the House in passing said Bills into Laws.

Mr. Witherell, on motion, introduced the following Resolution: "In Council Octr. 27th, 1804. Whereas, sundry of the good Inhabitants of this State, of the Religious Denomination of Methodists, are desirous that such addition or alteration should be made in a certain Law of this State Entitled "An act regulating Marriage and Divorce," as will enable Ministers of that order to celebrate marriages between persons of that Denomination, Therefore Resolved, That a Committee of Two be appointed, to join such Committee as the House of Representatives may appoint, to take the subject into consideration, and report by Bill or otherwise"—which Resolution was adopted, and Messrs. Keyes and Fletcher appointed the Committee from Council. Ordered, That the Secretary carry the same to the House, and request their Concurrence.

The Petition of Jonathan Holton, praying for compensation for Lands sold him by the Commissioners of Confiscation, after being once referred in the House to a Committee and the Report thereon not accepted, was sent up to Council with this order on it: "In Genl. Assembly [Oct. 26, 1804,] Read and referred to the Committee on the Petition of E. Spooner, with Messrs. Jas. Fisk and Chipman, to join Committee from Council. Attest M. Post Clk"—which was read and, on motion, it was Resolved, that Mr. Wheelock join the above Committee from the House.

A Bill for repealing the First Section of an Act Entitled "an act for encouraging the increase of Sheep, passed Nov. 6th 1801," was received from the House with this order thereon—"In General Assembly Octr. 26th, 1804, Introduced by Mr. Buel with leave of the House, and referred to the Committee on the Listers' act to join. Attest M. Post Clk"—in which reference the Gov. and Council concurred.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to revive an act laying a Tax of one and a half Cent per acre on the Town of Rochester," was sent up to Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the said Bill into a Law.

The following message was received from the House—"In General Assembly Octr. 27th, 1804. Resolved, That this House concur with the Governor and Council in their Amendments to the following Bills, to wit, "An act establishing a Division of Lands in the Town of Irasburgh in the County of Orleans; An act laying a Tax of three Cents per acre on the Township of Fletcher; An act to incorporate the Proprietors

and owners of an Acqueduct in Middlebury in the County of Addison, and An Act in addition to an act Entitled An act Establishing a Corporation by the name of the Williamstown Centre Turnpike Company." Extract from the Journals. Attest M. Post Clk."

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting to John and Charles McNeil the right of keeping Ferries," was sent up to Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing said Bill into a Law.

"An act directing Recording Officers in their office and duty" was read as reported by Mr. Shepardson and it was Resolved, That the said Bill do pass and that it be engrossed and sent to the House for their Concurrence.

Adjourned to Monday Morning 9 O'clock.

Monday, October 29th, 1804, 9 O'clock A. M.

The Council convened pursuant to adjournment.

The Petition of Nathl. Greelee and others was again received from the House with these new orders thereon: "In Genl Assembly Octr. 20th, 1804, Report read & accepted and leave granted to withdraw. Oct. 27, The above Vote reconsidered, [and petition] recommitted to former Committee to join. Attest M. Post Clk"—whereupon it was Resolved, To concur in the recommitment made by the House.

The following Bills, having been passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c. viz. "An act laying a Tax of Three Cents per acre on the Town of Northfield; An act laying a Tax of Three Cents per acre on the Town of Minehead; An act laying a Tax of Three Cents per acre on the Town of Hydepark," and "An act directing the Treasurer to credit the First Constable of the Town of Whiting the sum therein mentioned"—which bills being severally read and considered it was on motion Resolved, To concur with the House in passing them into Laws.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act appointing a Committee to lay out and survey a Road from Montpelier to Peacham," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Messrs. Galusha and Loomis.

A Bill, passed in the House of Representatives, Entitled "An act granting to Darius Ferris of Panton the exclusive Right of keeping a Ferry," &c. was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Messrs. White and Witherell.

"An act enabling the Clerk of Caledonia County to record the Sales of Robert Whitelaw, a Collector," was again taken under consideration and it was Resolved, To nonconcur with the House in passing said Bill into a Law and Mr. Niles requested to draught the Reasons of Council for such nonconcurrence, which he reported as follow, and they were adopted: "That there appears no proof that the Petitioner Robert Whitlaw complied with the Law pointing out his duty as Collector, nor does the Petition even state that he had delivered the Newspapers containing the necessary advertisements to the County Clerk for Record."

The Governor informed the Council that he had received Sundry copies of the Laws of the United States, and the Secretary by direction

of the Governor carried a Communication on that subject to the House of Representatives, submitting to them the method of their distribution.

Mr. Galusha introduced the following resolution—"In Council Oct^r. 29th, 1804, Resolved, That a Committee consisting of Two Members be appointed, to join such Committee as the House of Representatives may appoint, to take into consideration and point out in what manner the Laws of the United States, for the last Session of the Sixth Congress, and the first and second Session of the Seventh Congress, shall be distributed, and report by resolution or otherwise"—which Resolution was adopted and Gov. Brigham and Mr. Galusha appointed a Committee from Council.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—Mr. James Fisk from the House returned the Bill Entitled "An Act enabling the Clerk of Caledonia County to record the sales of Robert Whitelaw, a Collector," which had been nonconcurred by the Council this day, and informed the Council that the House had again passed the Bill, and having verbally assigned the Reasons therefor, laid the same on the Table, requested the concurrence of Council in passing the Bill, and withdrew—all which was minuted on the back of the Bill.

Adjourned to tomorrow morning 9 O'clock.

Tuesday 30 October, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Bill, passed in the House of Representatives, Entitled "An act granting to Elisha Reynolds and Christopher Pickel and their Heirs and Assigns the exclusive right of keeping a Ferry across Missiskoui Bay &c." was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Mess^s. White and Witherell.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act for the Relief of the Proprietors of Concord in a certain case therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Mess^s. Loomis and Witherell.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act instituting, defining and regulating the Office of Comptroller of the Public accounts," was sent up to the Governor and Council for their Revision &c. and being read it was Ordered, That it lie on the Table.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Three Cents per acre on the Town of Ripton," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the same into a Law.

Mr. Shepardson asked and obtained leave to introduce a Bill Entitled "An act for encouraging the destruction of Bears," which was read and it was Ordered, That it lie on the Table.

The resolution of both Houses appointing a Committee to report concerning the Right of this State to the Glebe Lands, was received from the House with the Report of the Committee thereon, in substance that the said Lands do belong to this State, with the following new order of the House on the same: "In General Assembly Oct^r. 29th, 1804. Report

accepted and recommitted to the same Committee to join, for the purpose of bringing in a Bill. Attest M. Post Clk"—in which recommitment the Council concurred.

An Engrossed Bill, passed in the House of Representatives. Entitled "An act establishing permanent Salaries for the Judges of the Supreme Court of this State," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Ordered, That it lie on the Table.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c. viz. "An Act laying a Tax of Three Cents per acre on that part of Goshen lying in the County of Addison," "An act laying a Tax of one and a half Cent per acre on all the lands in the town of Canaan," and "An act to repeal an act Entitled an act determining a particular regulation relative to the Proprietors and Landowners of Goshen and Warren"—which were severally read and considered, and it was on Motion Resolved, To concur with the House in passing said Bills into Laws.

The Auditor of Accounts' Communication to the General Assembly on Stephen Conant's account against the State was received from the House with this last order of the House minuted thereon: "In General Assembly Oct^r. 30^th. 1804, Called up and ordered to lie. Again called up and referred to Mess^rs. Shumway, Hurd, Sol^o. Knight, Shaw, and Hinman, to join. Attest M. Post Clk"—which being read it was Resolved, That M^r. Keyes join the Committee from the House.

An act laying a Tax of Two Cents per acre on Barton was sent up to Council with this order of the House thereon: "In General Assembly Oct^r. 30^th. 1804, Referred to the First Land-Tax Committee to join Committee from Council. Attest M. Post Clk"—which was read and Resolved, To concur in the above Reference, and that M^r. Chittenden join the said Committee from Council.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer of this State to pay to Samuel Prindell the sum therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to M^r. Shepardson.

Adjourned to 9 O'clock Tomorrow Morning.

WEDNESDAY October 31^st, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Four Cents per acre on the Town of Maidstone," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act for the relief of Obed Harvey," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be Referred to M^r. Keyes.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c.—"An act laying a Tax of Three Cents per acre on the Town of Orange; An act directing the Treasurer to pay to Elisha Smith the sum therein mentioned," and "An act in addition to an Act Entitled an act incorporating certain persons therein mentioned by the name of the Hubbarton Turnpike Company"—which Bills were severally read and

considered and it was on motion Resolved, To concur with the House in passing them into Laws.

The Committee on the Bill Entitled "An act directing the Treasurer to pay to Sherman Prindell the sum therein mentioned," reported that it ought to pass, whereupon it was Resolved, To concur with the House in passing the said Bill into a Law.

The Bill Entitled "An act establishing permanent Salaries for the Judges of the Supreme Court," was again read and on motion Resolved, To concur with the House in passing it into a Law.[1]

The following message was received from the House, read and Ordered, That it be entered on the Journals—"In General Assembly Oct$^{s.}$ 30$^{th.}$ 1804, Resolved, that this House do concur with the Governor and Council in passing the Bill Entitled "An act authorizing Elizabeth Wooster, Administratrix, to sell certain Lands," and the same has passed into a Law. Extract from the Journals, Attest M. Post Clk."

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to enable Jonathan Hale, Administrator on the Estate of Daniel Tilton, to sell certain Lands in West Fairlee within this State," was sent up to the Governor and Council for their Revision &c. and being read it was on Motion Resolved, To concur with the House in passing said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act for the relief of Aaron Henry Jun$^{r.}$ and the Sureties of the said Aaron Henry Jun$^{r.}$" was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Mess$^{s.}$ Loomis and White.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing a part of the Town of Ira to the North East School-District in the Town of Poultney," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, To concur with the House in passing it into a Law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Resolutions were received from the House: one, "In General Assembly Oct$^{r.}$ 31^{st,} 1804, on Motion of M$^{r.}$ T. Hutchinson Resolved, The Governor and Council concurring therein, that both Houses meet in joint Committee, in the Representatives' Room, at 10 O'clock A. M. on Saturday next, for the purpose of choosing Electors, who are to ballot for the next President and Vice President of the United States. Extract from the Journals, Attest M. Post Clk"—which was read and it was Resolved, That the Governor and Council concur therein. The other was as follows, "Rutland 31st October 1804, In Gen^{l} Assembly, Resolved, as the sense of this House, that there be a Committee of Five from this House to join from Council, for the purpose of examining into the Laws so far as it relates to the demand of this State against the Town of Westminster, which this House has had under consideration, and report to this House what measures the Treasurer of this State ought to be directed to pursue relative to said demand. Introduced by M$^{r.}$ Hendee—Same day read and referred to Mes$^{s.}$ Sol$^{o.}$ Wright, E. Butler, E. Allen, Hendee, and T. Hutchinson to join. Attest M. Post Clk"—which was read and it was Resolved, That Mess$^{s.}$ Witherell & Loomis join the Committee above mentioned appointed by the House.

An Engrossed Bill, passed in the House of Representatives, Entitled

[1] The annual salary of the Chief Judge was one thousand dollars, and of each Assistant Judge nine hundred dollars.

"An act directing the Treasurer to pay the several sums therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read, with the accounts on which the Items were founded, and undergoing a long discussion, it was on Motion Resolved, That it be referred to Messrs. Chittenden and White so far as it relates to the account of Stephen Conant.

Adjourned to 9 O'clock Tomorrow Morning.

THURSDAY, November 1st, 1804, 9 O'clock A. M.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of one Cent and five mills on the Dollar on the list of the present year,"[1] was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing said Bill into a Law.

The Committee on the Bill Entitled "An act directing the Treasurer to pay the several sums therein mentioned," reported that eight Dollars be deducted from the account of Stephen Conant, which report was not accepted, and on motion Resolved to concur with the House in passing the Bill so far as relates to the Item allowing Mr. Conant the sum of $246\frac{72}{100}$ Dollars. The said Bill being still under consideration, it was Resolved, That the Bill, so far as it relates to the Remainder of the sums allowed by said Bill, be referred to Messrs. Galusha & Fletcher.

The Committee on the Bill Entitled "An act granting to Charles Reynolds and Christopher Pickell and their Heirs and Assigns the exclusive right of keeping a Ferry across Missiskoui Bay," reported that the Bill ought to be amended in the following manner,—In the First line of the Third Page, after the word "directed," erase the remainder of the Section and insert the following, "shall pay to the Person or Persons injured all such damages as shall arise by such neglect or delay, or by receiving excessive Fees for ferriage, to be recovered before any Court of Competent Jurisdiction, together with full Costs of Prosecution, any Law to the Contrary notwithstanding"—which Report was accepted and on motion Resolved, To concur in the passing the Bill into a Law as amended.

The Committee on the Bill Entitled "An act granting to Darius Ferris of Panton in the County of Addison the exclusive right of keeping a Ferry from said Panton across Lake Champlain," reported that the Bill be amended as follows,—In the Third Section of the Bill, after the word "*shall*" in the ninth line from the Top, erase the remainder of the Section and add the same amendment as was made to the last Bill, (see above,)—which Report was accepted and on motion Resolved, To concur with the House in passing it into a Law as amended.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act suspending civil process against Charles Willard for the Term of Four Years," was sent up to the Governor and Council for Revision &c. and being Read it was on Motion Resolved, That it be referred to Messrs. Niles & Witherell.

An act to vest the Estate of John McVisher in the Town of Pownal was received from the House with this order thereon: "In General Assembly Octr. 31st, 1804, This Bill was introduced on motion of Solo. Wright. Read and referred to Messrs. Shaw, Baker, Wheatley, Moffett, and Chipman to join Committee from Council. Attest M. Post Clk"—which was read and Resolved, That Messrs. Shepardson and Fletcher join the Committee from the House.

[1] Tax for the support of government.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c. viz. "An act altering the name of Abraham Willson to Abraham Fisher;" "An act laying a Tax of three Cents per acre on the Town of Philadelphia" [part of Chittenden,] and "An act remitting a sum of money to the Town of Tinmouth"—which Bills being severally read and considered it was on motion Resolved, To concur with the House in passing them into Laws.

The Committee on the Bill Entitled "An act for the relief of Obed Harvey," reported an amendment to the Bill which was not accepted, and on motion Resolved, To concur with the House in passing said Bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee on the Bill Entitled "An act to suspend Civil process against Charles Willard for the Term of Four Years," reported that upon an inquiry into the situation of the said Willard they think that, from the peculiar circumstances attending the same, if the Legislature will ever interfere to grant such acts of Suspension, he is a proper subject for relief—and the Bill being again read it was on motion amended by erasing after the word "personal" in the eighth line the words "with a view to defraud or injure," and insert "to the injury of"—and then it was Resolved, To concur with the House in passing the same into a Law as amended, and Mr. Witherell requested to assign the Reasons of Council to the House.

A Bill Entitled "An act granting relief to Insolvent Debtors" was received from the House with this order thereon: "In General Assembly Nov. 1st, 1804, This Bill was brot in on motion of Mr. Emmons, Read and referred to Messs. Olin, Wm. C. Harrington, and House, to join Committee from Council. Attest M. Post Clk."—which Bill was read and Resolved, That Messs. Galusha and Loomis join the Committee from the House.

The Committee on the Bill Entitled "An act directing the Treasurer to pay the several sums therein mentioned,"—reported that it ought to be amended as follows—add this Provisional Clause, "Provided nevertheless, if there be any demands in favor of this State against any Person or Persons who are allowed any Sum or Sums by this act, it shall be the duty of the Treasurer to credit such Person or Persons the sum or sums so allowed to him or them and to pay over the balance only, if any there be, any thing in this act to the contrary notwithstanding"—and that the account of Elisha Yeammons Jur. be allowed at $5^{65}|_{100}$ Dollars instead of $6^{40}|_{100}$ Dlls. and the general sum mentioned in the Bill be altered accordingly—which Report was accepted and on motion Resolved, To concur with the House in passing the Bill as amended, and Mr. Galusha appointed to inform the House of the Reasons of Council.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act authorizing the Treasurer to sell certain Lands in Wilmington," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Mr. Shepardson.

An Engrossed Bill passed in the House of Representatives, Entitled "An act directing the Treasurer to pay to sundry Persons the several sums therein mentioned," was sent up to the Governor and Council for their Revision &c. and being [read] it was on motion Resolved, that it be referred to Mr. Spooner.

The Committee on the Bill Entitled "An act appointing a Committee to lay out and survey a Road from Montpelier to Peacham," reported the following amendments: on 2nd Page, second line from the Top, after

the word "making," erase the words "and repairing," and add a 5th Section as follows—"Sec. 5. And it is hereby further enacted, That where said Highway shall be laid thro' any improved Lands, the owner or owners thereof shall be entitled to damages, which shall be assessed by said Committee; and if there shall be any Highway or allowance Land adjoining said Lot not wanted for Highways, the same shall [be] assigned over to such owner aforesaid at its true value, to go in satisfaction of such Damages, and the residue of such Damages, if any remains due, shall be paid by the Selectmen of the Town in which such Damages shall accrue, previous to the opening such highway"—which were adopted and on motion Resolved, To concur with the House in passing sd Bill as amended, and Mr. Loomis requested to assign to the House the Reasons of Council for the same.

Adjourned to 9 O'clk Tomorrow morning.

Rutland Friday November 2nd, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Message was received from the House, read and Ordered that it be entered on the journals—"In General Assembly Nov. 1st, 1804, Resolved to concur with the Governor and Council in their proposed amendments to the following Bills, to wit, A Bill Entitled "An act to suspend all civil Process against Charles Willard of Tinmouth" &c., A Bill Entitled "An act granting to Elisha Reynolds and Christopher Pickell the Right of keeping a Ferry across Missiskoui Bay;" A Bill Entitled "An act granting to Darius Ferris the right of keeping a Ferry" &c., and A Bill Entitled "An act directing the Treasurer to pay the several sums therein mentioned." Extract from the Journals. Attest M. Post Clk."

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to ratify and confirm the election of a Collector of a Land-Tax in the Town of Bridgewater," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, that the Gov. & Council do nonconcur with the House in passing the said Bill into a Law for the following reasons—"Should this Bill pass into a Law, it may very possibly work much evil to individuals and serve as a precedent for the passing of other Laws equally detrimental. The Governor and Council are of opinion that in the present case the creation of any new right in one person involves a divestiture of right in another.

A Bill Entitled "An act assessing a Tax of Three Cents per acre on the Towns of Granby, Easthaven, Newark, and Random" [Brighton,] was received from the House with this order thereon—"In General Assembly Nov. 1st, 1804, Read and referred to the First Land-Tax Committee. Attest M. Post Clk."—in which Reference the Council concurred.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act appointing a Committee to survey, lay out and open a County or Market Road from the South end of Hubbardton and Castleton Turnpike to meet" &c. was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act authorizing the Proprietors and Landowners of Stowe in the County of Chittenden to make, accept and confirm any Division or Divisions" &c. was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it [be] referred to Messs. Niles and Spooner.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act suspending suits against Joseph Bowman Jur. for the Term of Four Years." was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act reviving certain Acts laying Land-Taxes, and for the correction of an error," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Mr. Fletcher.

The Committee on the Bill Entitled "An act directing the Treasurer to pay to sundry Persons the several sums therein mentioned," reported that, after an examination into the several items directed to be paid by the said Bill, they were of opinion that it ought to pass—which report was accepted, and on motion Resolved, To concur with the House in passing said Bill into a Law.

"An act for encouraging the destruction of Bears" was again read and Mr. Shepardson asked and obtained leave to withdraw the same.

The Committee on the Bill Entitled "An act empowering the Proprietors of the Township of Weybridge to lay out their undivided Lands by Pitches," reported that it ought to pass, whereupon it was Resolved, To concur with the House in passing said Bill into a Law.

The Bill Entitled "An act for instituting, defining and regulating the Office of Comptroller of the Public Accounts," was called up and Referred to Govr. Brigham and Mr. Galusha.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to revive and alter an act Entitled An act laying a Tax on Swanton," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it be referred to Mr. White.

The Committee on the Bill Entitled "An act for the relief of the Proprietors of Concord in a certain case therein mentioned," reported sundry amendments, the consideration of which was postponed untill the afternoon.

The Message below recorded was received from the House, read & Ordered, That it be entered on the journals—"In General Assembly Novr. 2d. 1804, Resolved to concur with the Governor and Council in the amendments by them proposed to a Bill Entitled "An act appointing a Committee to lay out and survey a Road from Montpelier to Peacham." Extract from the Journals. Attest M. Post Clk."

This Resolution was sent up from the House: "In General Assembly Nov. 1, 1804, Resolved, That the Committee to whom was referred the Bill Entitled "An act granting relief to Insolvent Debtors," be discharged from the further consideration of the same. Extract from the Journals, Attest M. Post Clk."—which was read and Resolved, The Committee on the part of the Council be also discharged.

The Resolution, which originated in Council, appointing a Committee to enquire and make report whether any alterations or amendments are necessary in the act regulating Marriage & Divorce, was returned from the House with the following order minuted thereon: "In General Assembly Octr. 27th, 1804, Read and concurred, and Mess. Fisk, Hendee, and Hunt appointed a Committee on the part of the House. Attest M. Post Clk."

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Memorial of Hadlock Marcy was again received from the House with this new order minuted thereon: "In Gen-

eral Assembly Nov. 1, 1804, Report read, accepted and ordered to lie on the Table. Nov. 2, Called up and recommitted to same Committee to join. Attest, M. Post Clk."—in which recommitment the Council concurred.

The following Resolution was sent from the House to Council: "In General Assembly Oct^r. 24^th. 1804, Introduced by M^r. Lyon. Whereas, the Honorable Judges of the Supreme Court have been implicated by a member of this House for taking and receiving fees and perquisites in certain cases which are not allowed by Law. Therefore, Resolved, That a Committee of three from this House be appointed to enquire and ascertain the fees and perquisites the said Judges have taken and received in the actions brought for three years last past, state facts and make report. Read and Referred to Mess^s. Shaw, Wheatley, and Buckingham. Nov. 1, on motion Ordered that Mess. Moffett and Luce be added to the above Committee, and that the Committee join such Committee as the Council may appoint. Attest M. Post Clk."—which being read it was Resolved, To nonconcur with the House in this Resolution so far as relates to that part of it which requests the Governor and Council to appoint a Committee to join the Committee appointed by the House on the same, and M^r. Niles requested to inform the House of the Reasons of Council.[1]

The "act for the relief of the Proprietors of Concord" &c. was again read and recommitted to the same Committee.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to appoint a Committee to lay out and survey a Road from the place where the Bridge over Connecticut River was erected in Norwich to Chelsea Court-House," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to M^r. Chittenden.

The Committee on the Bill Entitled "An act authorizing and empowering the Treasurer of this State to sell and convey certain Lands in Wilmington in the County of Windham," reported the following amendment,—In the 14^th line after the word "Deed" erase the whole line and insert the following words, "when executed and acknowledged by the Treasurer and recorded in the Town Clerk's Office of the Town of Wilmington"—which amendment was adopted, and Resolved, To concur with the House in passing the said Bill into a Law as amended, and M^r. Shepardson requested to inform the House of the Reasons of Council.

The Petition of Jonathan Parker and others was received from the House with the following orders thereon: "In General Assembly Oct^r. 25^th. 1804, Referred to Mess^s. Chipman, Hendee, and I. [Isaiah] Fisk. Att^t. M. Post Clk. Nov. 2^d. 1804, on motion Ordered, That Mess^s.

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[1] One of the reasons doubtless was that no complaint against the judges had reached the Council. The result of the inquiry in the House was to relieve the judges from any blame in the matter of fees, in the opinion of the committee; but the House accepted the facts of the report without any opinion as to the law of the case. See printed *Assembly Journal*, Oct. 1, 1804, p. 369. In 1805, the investigation was renewed, and it resulted in a resolution declaring that the fees complained of "were taken by said judges with upright views, and that they are by law made judges of what is a reasonable and fair construction of the fee bill." This was accepted 100 to 82—a party division probably.—See printed *Assembly Journal* of 1805, pp. 32, 37, 48.

J. Clap & DeForest be added to the foregoing Committee, and that the Committee join such Committee as the Council may appoint. Attest M. Post Clk."—which was read and Resolved, That Mr. Shepardson join the Committee from the House.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting to the Common Council of the City of Vergennes Liberty to raise by Lottery the sum of Two Thousand Five Hundred [dollars] for the purpose of building a Bridge over Otter Creek," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Mr. Spooner.

The Committee on the Bill Entitled "An act for the relief of the Proprietors of Concord in a certain case therein mentioned," reported the following amendments—after the word "same" in the 8th Line of the 1st section insert the following words, "which minutes of such former votes and proceedings shall be preserved on file in the Proprietors' Clerk's Office of said Concord." Erase the 2nd Section and add this Section in its place, "Sec. 2nd. And be it further enacted, That true and attested copies of such votes and proceedings, so recorded as aforesd. may be read in evidence in any Court of Justice in this State"—and after the word "remain" in the Preamble erase the Remainder thereof and add the following words, "partly on loose Pieces of paper and partly in a Book, some of which are not properly attested by the Clerk, which evil to remedy"—which were adopted and on Motion Resolved, to concur with the House in passing said Bill into a Law as amended, and Mr. Loomis requested to assign the Reason for the same to the House.

Adjourned to 9 O'clock Tomorrow morning.

Saturday November 3rd, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee on the Bill Entitled "An act reviving certain acts laying Land-Taxes on the Towns therein mentioned," &c. reported sundry amendments, viz. Erase the Preamble of the Act, and after the word "three" in the 4th Line of the 1st Secn. erase the remainder of the Bill and insert the following, "assessing a Tax of Two Cents per acre on Craftsbury, of three cents per acre on Lutterloch [Lutterloh, now Albany,] and of three cents per acre on Hardwick, be and the same are hereby revived and shall have the same force and effect as if they had passed at the present Session of the Legislature. Sec. 2nd. And it is hereby further enacted, That David P. Cobb of Lutterloch be and he hereby is appointed a member of the Committee to superintend the expenditure of the Tax on the Town of Lutterloch in the place of Eleazer Cobb therein named, and that Samuel French of Hardwick be and he hereby is appointed a member of the Committee to superintend the expenditure of the Tax assessed on Hardwick in the place of Levi Goodridge, any thing to the contrary in the said acts notwithstanding"—which amendments were adopted and Resolved, To concur with the House in passing the said Bill into a Law as amended, and Mr. Fletcher requested to inform the House of the Reasons of Council in adopting those amendments.

The following Resolution was introduced: "In Council Novr 3, 1804, Resolved that a Committee of one be appointed, to join such Committee as the House of Representatives may appoint, to distribute the Election Sermons and the Proclamation for Thanksgiving"—which was read, adopted, Mr. Shepardson appointed the Committee from Council, and Ordered, That the Secretary carry the same to the House and request their concurrence.

The Committee on the Bill Entitled "An act to lay out and survey a road from the place where the Bridge over Connecticut River was erected in Norwich to Chelsea Court House," reported that it ought to pass, whereupon it was Resolved, To concur with the House in passing said Bill into a Law.

The following Resolution was laid on the Table—"In Council Nov^r. 3^d, 1804, Resolved, the House of Representatives concurring therein, that the Two Houses meet in joint Committee in the Representatives' Room, on Tuesday next, at the opening of the House in the afternoon, to make a choice of a Major General of the Third Division of the Militia of this State, which office has become vacant by the Resignation of Major Gen^l. Martin Chittenden"—which was read, adopted, and Ordered, That the Secretary carry the same to the House and request their concurrence.

Pursuant to the concurrent Resolution of both Houses the Governor and Council proceeded to the Representatives' Room for the purpose of Choosing the Electors of President and Vice President of the United States, and having compleated the same, returned to their Chamber and resumed the consideration of business.[1]

An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting relief to Capt^n John Vincent, a poor Indian," was sent up to the Governor and Council for their Revision &c. and being read was on motion amended by erasing the name of "John Fuller" in the 6^th line and inserting the name of "Elias Keyes," and then Resolved, To concur in passing the same into a Law as amended.[2]

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay Elias Stevens the sum therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to M^r. Keyes.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Three Cents per acre on the Town of Groton," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the said Bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—M^r. Buckingham, from the House, returned the Resolution of Council respecting the time of Electing a Major Gen^l. of the Militia with the following order thereon—"In Gen^l Assembly Nov. 3^d, 1804, Read and resolved to concur in this Resolution with a proposed amendment, insert "Monday" instead of "Tuesday," and that M^r. Buckingham be a Committee to carry up the same to the Governor and Council with the Reasons of the House. Attest M. Post Clk."—which Resolution and order of the House thereon being read it was Resolved, To concur with the House in their proposed amendment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in alteration of and revival of an act Entitled An act assessing a Tax of Two Cents per acre on the Town of Westford," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Mess^rs. Galusha and Loomis.

The Committee on the Bill Entitled "An act to revive and alter an act laying a Land-Tax on Swanton," reported the following amendments

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[1] The electors chosen were Josiah Wright, Samuel Shaw, Ezra Butler, Nathaniel Niles, William Hunter, and John Noyes, one of whom was then a member of the Council, and three were members of the House.

[2] See *ante*, p. 24, note.

—after the last word in the 7th Line of the Preamble of the act insert the word "Therefore," and erase the remainder of the preamble—after the last word in the 4th Line in the 3rd Sec. erase the remainder of the Section and insert the words "on the Roads in the Town of Swanton, as the Committee shall think most convenient," and in the 4th Sec. after the word " the" in the 1t line erase the remainder of the Section and add the following, "act passed the twelfth day of November one thousand eight Hundred and two, Entitled "An act in addition to and for reviving an act laying a Tax of Two Cents per acre on the Town of Swanton, for the purposes therein mentioned," be and hereby is repealed,"—which were adopted and on motion Resolved, To concur with the House in passing said Bill into a Law as amended, and Mr. White appointed to inform the House of the Reasons of Council in adopting those amendments.

A Bill Entitled "An act establishing a Jurisdictional line between Peru and Landgrove," was recd from the House with this order thereon: "In Genl Assembly Nov. 3, This Bill was brought in on motion of Mr. Utley, read and referred to Messs. Emerson, B. Harrington, and Beach to join Committee from Council. Attest M. Post Clk."—which was read and Resolved, That Mr. White join the Committee from the House.

An Engrossed Bill, passed in the House of Representatives, Entitled " An act to free the body of Sylvanus Brigham from arrest on civil process for the term therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was on Motion Resolved, To nonconcur with the House in passing the said Bill into a Law for the following reasons: 1st. That it does not appear by the Petition but that the Petitioner is entitled to the benefits already provided for poor Debtors by an act in alteration of and to amend an act Entitled " An act relating to Goals and Goalers and for the relief of persons imprisoned therein, passed March 9th A. D. 1797 "—and 2nd. It does not appear that the Petitioner has complied with the Law requiring Petitions for acts of Suspension to be advertised.

The Committee on the Bill Entitled " An act authorising the Proprietors and Landowners of Stow in the County of Chittenden to make out, accept and confirm any Division or Divisions &c, reported that it ought not to pass, whereupon it was Resolved, To nonconcur with the House in passing the said Bill into a Law for the following reasons: "According to this Bill the majority may deprive individuals of their improvements and habitations and place them on Unimproved Lands, altho' such Individual may have honestly purchased and paid for the Land he occupies. Altho' Proprietors of Towns are authorised to divide their Lands by vote, yet the Governor and Council cannot think that any body of men ought to be empowered to dispose by vote of the private property of Individuals. It does not appear to the Governor and Council that all concerned acquiesce in the provisions of this Bill, without which the Government seem not to possess the power of making them."

Adjourned to 9 O'clock Monday morning.

MONDAY November 5th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the House of Representatives, Entitled " An act making Provisions for the payment of Prosecutions in certain cases therein mentioned," was sent up to the Governor and Council for their Revision &c. and being Read it was on motion Resolved, That it be referred to Gov. Brigham and Mr. Galusha.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to provide for the authentication of certain Records in the Town of Westfield," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to alter and amend an act appointing a Committee to lay a Road from Guildhall to Danville," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Mr. Shepardson.

Mr. D. Chipman, from the House, returned to the Governor and Council the Bill Entitled "An act directing Recording Officers in their Office and Duty," with certain proposals of Amendment made by the House to the Bill, upon which it was Resolved, To concur in all of them except the one proposing a new Section to be added to the Bill, and Mr. Galusha requested to inform the House for what reasons the Council could not consent to that Amendment.

The following Resolution of the House was read and ordered to be entered on the Journals—"In Genl Assembly Nov. 3, 1804, Resolved, To concur with the Governor and Council in their proposed Amendments to the Bill Entitled "An act to revive an act laying a Tax on Swanton." Extract from the Journals, Attest M. Post Clk."

This Resolution was received from the House—"In General Assembly Novr. 5th, 1804, Resolved, the Governor and Council concurring therein, that the Treasurer of the State be and he hereby is requested to lay before the General Assembly as soon as may be a statement of all the demands in favor of the State against the several Sheriffs. Introduced by Mr. [Jas.] Fisk, Read and passed. Attest M. Post Clk."—which was read and concurred.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled an act altering the times of holding the County Courts in the Counties of Chittenden and Addison," was sent up to the Governor and Council for their Revision &c. read and Resolved, To concur with the House in passing the same into a Law.

A Bill Entitled "an act annexing Parker's Gore to Medway [Mendon] and making a Town by the name of Parkerstown," was sent up to Council with this order of the House thereon—"In General Assembly Nov. 3d, 1804, Read any ordered to be amended by erasing that part of the Bill which goes to altering the name of Medway, [and] recommitted to the Committee on the Petition accompanying to join. Attest M. Post Clk."—in which Reference the Council concurred.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c.—"An act for the relief of Alexander Plumley," and "An act directing the Treasurer of this State to issue Certificates in payment of the Debenture of the present Session of the Legislature," and being severally read and considered it was on motion Resolved, To concur with the House in passing them into Laws.

A written Message was recd from the House as follows—"In General Assembly Novr. 5, 1804, Resolved to concur with the Governor and Council in their proposed amendments to the following Bills, to wit, A Bill Entitled "An act authorising and empowering the Treasurer to sell and convey certain Lands in Wilmington" &c.; A Bill Entitled "An act for the relief of the Proprietors of Concord;" A Bill Entitled "An act granting relief to Captn. John Vincent, a poor Indian;" A Bill Entitled "An act reviving certain acts laying Land-Taxes" &c.—And that the House rescind [recede] from their Vote adding a new Section to the

Bill Entitled "An act directing County, Town, and Society Clerks in their Office and Duty." Extract from the Journals, Attest M. Post Clk."

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to and in explanation of an act constituting the Supreme Court" &c. was sent up to the Governor and Council for their Revision &c. read and Resolved, That it be referred to Mr. Galusha.

Mr. Niles introduced the following Resolution: "Resolved that——— ——be a Committee to confer with such Committee as the Genl. Assembly may appoint on the Bill Entitled "An act enabling the Clerk of the County of Caledonia to record the Sales of Robert Whitelaw, a Collector," and to report thereon to the two Houses"—which was adopted, the Blank filled with the name of Mr. Niles and Ordered, That the Secretary carry it to the House and request their concurrence.

Mr. Potter from the House returned the Bill Entitled "An act to ratify and confirm the Election of a Collector of Land-Tax in Bridgewater," which was nonconcurred by Council Nov. 2nd, and after assigning the Reasons why the House insisted upon the passing the Bill, which they had again done, he withdrew.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Governor and Council, pursuant to the Concurrent Resolution of both Houses, met the House of Representatives in joint Committee in their Room, and having accomplished the business of their meeting the Committee was dissolved and the Governor and Council returned to their Chamber.[1]

The Committee on the Bill Entitled "An act granting to the Common Council of the City of Vergennes liberty to raise by Lottery the sum of Two Thousand five Hundred Dollars for the purpose of building a Bridge over Otter Creek in said City," reported that the same ought to pass, which Report was not accepted, and on motion Resolved, To nonconcur with the House in passing the said Bill into a Law, and Mr. Shepardson was requested to draught the reasons of Council for such nonconcurrence, which he did, and were adopted, as follows: "1st, Because Institutions of this kind tend to invite individuals to enter into Speculations in obtaining property different from the modes dictated by honest Industry. 2ndly, Because the experience of this Government has taught us that Lotteries have created greater evils to community than they were designed to remove."

Mr. Galusha asked and obtained leave to introduce the following Bill Entitled "An act appointing a place for the meeting of the Electors of this State for Electing a President and Vice President of the United States," which was read and Resolved, That it pass, and ordered to be engrossed and sent to the House of Representatives for their Concurrence.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Two Cents per acre on the Town of Barton," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing a part of the Town of Peru to the Town of Dorset," was sent up to the Governor and Council for their Revision &c. which was read and on motion Resolved, To nonconcur with the House in

[1] Brig. Gen. Samuel Strong was elected Maj. General of the third division of Vermont militia.

passing the said Bill into a Law for the following reasons, to wit: "It would be highly injurious and a violation of corporate priviliges to annex a part of any Town to another without the free assent of the majority of the Inhabitants of each, first had and obtained, at a legal meeting of the Inhabitants convened for the purpose. This does not appear to have been the case in the present instance."

The Committee from both Houses on their joint resolution relative to empowering Methodist Ministers to celebrate marriage, reported a Bill which was read and ordered to lie on the Table.

The Committee on the Bill Entitled "An act in addition to and in explanation of an act constituting the Supreme Court" &c. reported that it ought to pass, whereupon it was Resolved, To concur with the House in passing the same into a Law.

"An act to ratify and confirm the Election of a Collector of a Land-Tax in Bridgewater" was again Read and on motion Resolved, That the Governor and Council do rescind from their nonconcurrence in said Bill, and that they concur with the House in passing the same into a Law.

Adjourned to 9 O'clock Tomorrow Morning.

RUTLAND, Tuesday, November 6th, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act explanatory of a Provision in sundry Turnpike Grants," was sent up to the Governor and Council for their Revision &c. read & Resolved, That it be referred to Messrs. Galusha and Loomis.

The following Resolution was received from the House—"In General Assembly Nov. 6th, 1804, Resolved, the Governor and Council concurring therein, that a Committee of Three be appointed on the part of this House, to join such Committee as the Governor and Council may appoint, to take into consideration and report what business is now before the General Assembly necessary to be acted upon, and at what time the General Assembly may adjourn. Introduced by Jas. Fisk, Read, passed and Messrs. E. Butler, Chipman, and Baker appointed a Committee on the part of the House. Extract from the Journal, Attest, M. Post Clerk"—which was read, concurred, and Mr. Wheelock appointed to join the Committee from the House.

The Report of the Committee of Both Houses, appointed to point out the manner in which the Laws of the United States should be distributed, was received from the House with these orders thereon—"In General Assembly Novr. 3rd, 1804, Read and ordered to lie on the Table. Nov. 5th, called up, rejected and recommitted to the same Committee. Attest M. Post Clk"—which was read and Resolved, To concur in the above recommittment.

A Bill Entitled "An act to suspend the Collection of Certain Costs," was received from the House with this order thereon—"In General Assembly Octr. 27th, 1804, This Bill, introduced on Motion of Mr. Buel, was read and referred to Messrs. Norton, Aiken, and Moffett. Nov. 5, Committee directed to join Committee from Council. Attest M. Post Clk"—which was read and on motion Resolved, That Mr. Keyes join the above Committee from the House.

The Committee on the Bill Entitled "An act instituting, defining and regulating the office of Comptroller of the Public accounts," with leave laid it on the Table of Council, and it being under consideration it was on motion Resolved, To nonconcur with the House in passing the said

[bill] into a Law, and Mr. Galusha was requested to inform the House of the Reasons of Council for such nonconcurrence.

The Committee on the Bill Entitled "An act for the Relief of Aaron Henry Junr. and the sureties of the said Aaron Henry Junr." reported that they could not agree with regard to the principle embraced by the Bill, and after making a Statement of facts, submitted it to Council whether the said Bill should pass, whereupon it was Resolved, To nonconcur with the House in passing the same into a Law for these Reasons to wit, 1st. We find that no such conviction, as is set forth in said Bill, has ever been had against the said Aaron Henry Junr., but that a Verdict of the Jury of Guilty was returned into Court against him, and that after the Verdict as aforesaid, and before the entering up of Judgment and pronouncing sentence, the said Henry, with the consent of his Bail, withdrew from the Court, so that no sentence has ever passed against sd Henry and of course he is not rendered infamous or deprived of any of the privileges of a citizen of this State, in consequence of any proceedings in said Tryal. And, further, as he voluntarily deserted his trial and the Bonds being called out and chancered by the Court, he cannot by the usages of Law, or any custom heretofore adopted by this State, now be entitled to a trial in said Cause, but if this Legislature is disposed to grant any relief in the premises, in the opinion of this Council, it ought to be by further Chancering the Bonds. 2nd. We apprehend that a precedent of this kind will be attended with serious evils if a Delinquent may, after voluntarily forfeiting his Bonds, be restored to a new trial when the Witnesses are of course released from any obligation of further attendance on said Court to testify against such delinquent, and, as the case may be, gone beyond the knowledge of the Prosecutor and possibly by the procurement of such delinquent. It will in our opinion be subversive of general justice as well as expensive to this State.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled an act to alter and amend an act appointing a Committee to lay out and survey a public Road from Berkshire to Brandon," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, That it be referred to Mr. White.

The Bill passed in Council, Entitled "An act appointing a place for the meeting of the Electors of President and Vice President of the United States," was returned from the House with certain proposals of amendment made to the Bill by that Body, which were read and Resolved To concur with the House in the amendments by them proposed.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting Relief to Nathan Osgood Esquire of Rutland," was sent up to the Governor and Council for their Revision &c. read and Resolved, That it be referred to Messrs. Galusha and White.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act annexing Parker's Gore to Medway" [Mendon] was sent up to the Gov. and Council for their Revision &c. Read and on motion was amended by adding these words to the Title of the Bill, "and Incorporating the same into a Town by the name of Parkerstown"—by inserting in the 7th Line of the 1st Sec. the word "Parkerstown" in lieu of the word "Medway," and after the word "inserted" in the 5th line of the 2nd Sec. by adding the words "Parkerstown alias"—and then Resolved, To concur with the House in passing the same into a Law as amended, and Mr. Keyes requested to inform the House of the Reasons of Council in proposing those amendments.

A Bill, Entitled "An act more effectually to render justice in certain cases," was received from the House with this order thereon: "In General Assembly Nov. 6, 1804, This Bill was brot. in on motion by Mr. Peckham, read and Referred to Mess. Buel, H. Horton & A. Horton to join. Attest M. Post Clk"—whereupon it was Resolved, That Mr. Chittenden join the above Committee from the House.

A Bill, Entitled "An act to remit to Thomas Tolman the payment of a certain Obligation" was received from the House with this order on it: "In General Assembly Novr. 6, 1804, This Bill was brot. in on motion of Mr. Stanley, read and referred to Messrs. Leavenworth, Hinman, and Underhill to join. Attest M. Post Clk"—which was read and Resolved, That Mr. Fletcher join the Committee appointed by the House.

The Committee on the Bill Entitled "An act making provision for the payment of the Costs of Prosecution in certain cases therein mentioned," reported that it ought to pass, whereupon it was Resolved, To concur with the House in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled an act regulating Town Meetings and the choice and duty of Town Officers," was sent up to Governor and Council for their Revision &c. read and on motion Resolved, To concur with the House in passing the said Bill into a Law.

Mr. Loomis introduced the following Resolution—"In Council Novr. 6, 1804, Resolved, the House of Representatives concurring therein, that the Bill Entitled "An act explanatory of a provision in sundry Turnpike Grants," be laid over to the next Session of the Legislature, and that the Secretary of State cause the substance of this act to be published in Spooner's Vermont Journal, and in the Rutland Herald, three weeks successively, the last publication to be at least twelve days before the next Session of the Legislature," which was read, adopted and Mr. Loomis requested to carry it to the House, and the Bill mentioned therein, inform them of the Reasons of Council and request their concurrence.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c.—"An act authorising the Proprietors of Moretown in the County of Chittenden to ratify and confirm the Division of said Town in Severalty," and "An act granting a new Trial to Charity Blodget and Peggy Blodget, both of Randolph in the County of Orange," which Bills were severally read and considered and on motion it was Resolved, To concur with the House in passing them into Laws.

The Report of the Committee on the Resolution relative to the Methodists was called up, not accepted, and recommitted to the same Committee to join such further Committee as the House may appoint, and Mr. Witherell added to the Committee from Council.

Adjourned to 9 O'clock Tomorrow Morning.

Wednesday, November 7th, 1804, 9 O'clk A. M.

The Council met pursuant to adjournment.

The Committee on the Bill Entitled "An act in addition to an act Entitled An act in addition to and in amendment of an act Entitled An act appointing a Committee to lay out and survey a Public Road from Berkshire to Brandon," reported the following amendments viz. Erase the remainder of the Bill after the word "Two" at the end of the Seventh line from the Top, and insert the following—"Whereas the Committee named in the act to which this is an

addition have not compleated the surveying and laying out the Road contemplated to be laid in and by said Act, by the time therein limited—Therefore It is hereby enacted by the General Assembly of the State of Vermont, That said Committee, with the addition of Nathaniel Ladd and Caleb Hendee Esquires, shall have time from and after the passing of this act to the first day of June in the year one Thousand eight Hundred and five to complete the surveying and laying of the Road aforesaid"—which were adopted and on Motion Resolved, To concur with the House in passing the said Bill into a Law as amended, and Mr. White requested to assign the reasons of such amendments to the House.

The Committee on the Bill Entitled "An act in addition to and in alteration of an act Entitled An act assessing a Tax of Two Cents per acre on the Town of Westford, passed 26th Octr. A. D. 1799," reported these Amendments—In the tenth line of the Preamble, after the word "such" erase the word "as" and insert the words "whereon Taxes," and after the word "paid" erase the words "and redeemed." In the fifth line of the Second Section, after the word "afterwards" insert "or shall have credit for his or her Taxes, or any part thereof, or for redemption of such person's lands, on the former Collector's Records"—and add a Third Section as follows: "Sec. 3rd. And it is hereby further enacted, That the said David Hazeltine shall publish the substance of this act together with the advertisements for the sale of said Lands—Provided nevertheless, That nothing in this act shall be construed to affect the Title to any Lands where the owner or owners have worked out their Taxes and settled the same with the Committee appointed by said act to superintend the expenditure of said Tax, or who have paid their Tax to the said former Collector before his sale of said Lands, or redeemed the same in the manner provided or within the time limited by Law, any thing in this act to the contrary notwithstanding"—which amendments were adopted and it was Resolved, To concur with the House in passing the said Bill into a Law as amended, & Mr. Loomis requested to inform the House of the Reasons of Council in those amendments.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay the Fees of the several State's Attornies" was sent up to the Governor and Council for their Revision &c. read and on motion it was Resolved, To concur with the House in passing the same into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled an act reducing into one the several acts for laying out, making, repairing and clearing Highways," was sent up to the Governor and Council for their Revision &c. read and on Motion Resolved, That it be referred to Mess. Loomis & Witherell.

The Committee on the Bill Entitled "an act granting relief to Nathan Osgood Esquire of Rutland," reported the following amendment to be added to the Bill—"Sec. 13th. And it is hereby further enacted, that the said Commissioners shall, for the services by this act enjoined upon them to perform, be allowed, each one, the sum of Two Dollars per day for each day in which they shall be employed, to be paid out of the Estate of the said Nathan Osgood. And the appraisers shall be allowed such sum per day as is by Law allowed to the appraisers of the Estate of persons deceased, and also the expense of advertising, adjusting, and distributing of said Estate as directed by this act, shall also be paid out of the said Estate"—which were adopted & Resolved, To concur with the House in passing said Bill into a Law as amended, and Mr. Galusha requested to inform the House of the Reasons of Council in adopting those amendments.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled An act for the purpose of regulating Suits respecting landed property and directing the mode of Proceeding therein," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, That it be referred to Mr. Shepardson.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting the exclusive right of Ferriage and Freightage from Burlington Bay in the State of Vermont to Chesterfield in the State of New York for the Term of fifteen Years," was sent up to the Governor and Council for their Revision &c. read and Resolved, That it be referred to Mr. White.

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c.—"An act for fixing the Shire in the County of Grand Isle," & "An act appointing a Committee to look out and survey a Road from Rutland in the County of Rutland to Woodstock in the County of Windsor," which were severally read and it was Resolved, To concur with the House in passing them into Laws.

Mr. Chipman, from the House, returned to Council the Bill Entitled "An act granting to the Common Council of the City of Vergennes liberty to raise by Lottery the sum of two thousand five hundred Dollars for the purpose of building a Bridge over Otter Creek in said City," which had been nonconcurred by Council Nov. 5th. and had again been passed by the House, and after assigning the reasons which governed that body in again passing the Bill, and requesting the Concurrence of Council, he withdrew, whereupon it was Resolved, To rescind from the nonconcurrence above mentioned, and To concur with the House in passing the same into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay the Executor of Calvin Knoulton Esqr. deceased the sum therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, That it [be] referred to Mr. Loomis.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The following Message from the House was received in Council, read and Ordered to be entered on the Journals—"In General Assembly Novr. 7th, 1804, Resolved to concur with the Governor and Council in their proposed amendments to the following Bills, to wit, a Bill Entitled "An act in addition to an act appointing a Committee to lay out a Road from Berkshire to Pitsford;" A Bill Entitled "an act in addition to an act Entitled an act in alteration and revival of an act Entitled An act assessing a Tax of two Cents per acre on the Town of Westford;" A Bill Entitled "An act granting Relief to Nathan Osgood," and "An act annexing Parker's Gore to Medway" &c.—and further Resolved to concur in the Resolution for referring the Bill Entitled "An act explanatory of a Proviso in certain Turnpike Grants," to the next Session of the next Legislature. Extract from the Journals, Attest M. Post Clk."

Mr. N. Robinson, from the House, returned the Bill Entitled "An act authorizing the Proprietors and Landowners of Stow in the County of Chittenden to make, accept and confirm any Division or Divisions" &c. which was nonconcurred by Council Novr. 3rd. and informed the Council that the House had again passed the Bill, and after informing the Council of the reasons of the House, and requesting the concurrence of Council, he withdrew—whereupon it was on motion Resolved, That the

Governor and Council rescind from their nonconcurrence in said Bill, and that the following Resolution be adopted as the sense of Council on the subject of that Bill—"In Council Novr. 7th, 1804, Resolved, the House of Representatives concurring therein, that the Bill Entitled "An act authorising the Proprietors and Landowners of Stow in the County of Chittenden to make, accept and confirm any Division or Divisions &c. be referred to the next Session of the Legislature, and that the Proprietors and Landowners of said township of Stow cause the Substance of this act to be published in the Vermont Journal printed at Windsor, and Vermont Centinel printed at Burlington, three weeks successively, the last of which publication to be at least three weeks before the sitting of the Legislature; and also that the Inhabitants of said Stow have opportunity to express their wishes relative to the matters contained in the said Bill, in Town meeting legally warned for said purpose, having the business to be acted upon set forth in such warning."

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to and alteration of an act ascertaining the principles on which the List of this State shall be made and directing the Listers in their Office and duty," was sent up to the Governor and Council for their Revision &c. read and Resolved, That it be referred to Messs. Galusha, Loomis, and White.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act for the Probate of Wills and the Settlement of Testate and Intestate Estates," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Messs. Loomis and Fletcher.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to repeal the act therein mentioned," was sent up to the Governor and Council for their Revision &c. read and it was Resolved, That it be referred to Messs. Witherell & Chittenden.

Mr. Bigelow, from the House, returned to Council the Bill Entitled "An act annexing a part of the Town of Peru to the Town of Dorset," which was nonconcurred by Council Novr. 5th, and informed the Council that the House had again passed the Bill, and after assigning the Reasons of the House therefor, and requesting the concurrence of the Council thereto, he withdrew, whereupon it was on motion Resolved, That the Governor and Council do rescind from their nonconcurrence in said Bill, and that the following Resolution be adopted as the sense of Council on that Bill—"In Council Novr. 7. 1804, Resolved, the House of Representatives concurring therein, that the Bill Entitled "An act annexing a part of the Town of Peru to the Town of Dorset" be referred to the next Session of the Legislature, that the Inhabitants of the Towns of Dorset and Peru may have opportunity to express their wishes relative to the matters contained in said act, in a Town meeting legally warned and holden for that purpose, having the business to be acted upon set forth in such warning."

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY November 8th, 1804. 9 O'clock A. M.

The Council met pursuant to adjournment.

The Following Resolution was laid on the Table—In Council Novr. 8, 1804, Resolved, the House of Representatives concurring therein, that the Treasurer be and he hereby is authorized and directed to deliver the Several Warrants for the State Tax granted this Session to the Mem-

bers from the respective Towns—which was read, adopted, and Ordered, That the Secretary carry it to the House and request their concurrence.

The Officer of the House delivered this Resolution in Council: "In General Assembly Nov. 7, 1804, Resolved, the Governor and Council concurring therein, that Both Houses meet in joint Committee in the Representatives' Room, at the opening of the House Tomorrow afternoon, for the purpose of Electing a Surveyor General, [and] Comptroller or Auditor of accounts against this State, for the year ensuing," with this order thereon: "Introduced by Mr. B. Clapp, Read and passed in Genl. Assembly Nov. 7, 1804. Attest M. Post Clk"—which Resolution was read and Resolved, To concur with the House in the same.

The Committee on the Bill Entitled "An act to repeal the act therein mentioned," reported that it ought to pass, which report was accepted, but the Bill on motion was amended as follows—by adding this Provisional Clause to the Bill, "Provided nevertheless that nothing in this act shall be construed to affect any division of said Town into severalty by the Proprietors and Landowners thereof made or ratified under the act hereby repealed"—and then it was Resolved, To concur with the House in passing the said Bill into a Law as amended, and Mr. Galusha requested to inform the House of the Reasons of Council in proposing that Amendment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled An act regulating and governing the Militia," was sent up to the Governor and Council for their Revision &c. read and on Motion Ordered, That it lie on the Table.

The Committee on the Bill Entitled "An act in addition to an Act for the Probate of Wills and the Settlement of Testate and Intestate Estates," reported that it ought to [be] amended by adding after the word "Deeds," in the Second Page and Third line from the Top, the words "of such real Estate," which report was not accepted and on motion it was Resolved, To concur with the House in passing said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act for Arming the Exempts of the Militia," was sent up to the Governor and Council for their Revision &c. read & Resolved, That it be referred to Gov. Brigham, Messrs. Shepardson & Witherell.

Mr. Niles on motion introduced the following Bill, "An act in addition to an act relating to Goals and Goalers, and for the relief of Persons Imprisoned therein," which was read and on Motion Resolved, That the Governor and Council will make no order thereon.

The Committee on the Bill Entitled "An act directing the Treasurer to pay the Executors of Calvin Knoulton Esqr. deceased the sum therein mentioned," reported that it ought to pass without amendment, whereupon it was Resolved, To concur with the House in passing the said Bill into a Law.

Mr. Niles asked and had leave to introduce a Bill Entitled "An act directing the Treasurer of this State to suspend Prosecution against Josiah Edson Esquire, late Sheriff of Orange County," which was read and on motion Resolved, That it be referred to Messrs. Loomis, Niles and Chittenden.

The Committee on the Bill Entitled "An act granting the exclusive right of Ferriage and Freightage to Captn. Gideon King from Burlington Bay in the State of Vermont to Chesterfield in the State of New York for the term of fifteen years," reported the following amendments: Erase the word "freightage" in the Second line from the top and in the second and fifth lines from the bottom of the Bill, and add the following to the Bill, "Provided, and it is hereby further enacted, That if the said Gideon, his Heirs or Assigns, shall at any time for the space of Twenty

days after the Selectmen of Burlington have approved of the Boat or Boats for ferrying as aforesaid and shall have regulated the rate of ferriage according to the directions of this act, be unprovided with such Boat or Boats, or shall not have provided suitable Landing places, or shall neglect to post up at each landing place a Board or Sign containing the Rates of Ferriage, he or they so neglecting shall forfeit the grant of the Ferry aforesaid. And if the said Gideon, his Heirs or Assigns, shall unreasonably delay any person, Team or Carriage from Crossing, (the weather being favorable,) or shall take or receive greater or other fees for ferriage as aforesaid than are allowed as aforesaid, and be thereof convicted before any court proper to try the same, he or they so offending shall forfeit and pay to the person or persons injured all reasonable Damages and full Costs of Prosecution."—which amendment was adopted and Resolved, To concur with the House in passing the said Bill into a Law as amended, and Mr. White requested to inform the House of the reasons which governed Council in proposing those amendments.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act for the releif of Joseph Conner," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, To concur with the House in passing the said Bill into a Law.

The Committee on the Bill Entitled "An act in addition to an Act Entitled an act respecting Landed property and the mode of proceeding therein" &c. reported that upon an examination there appeared no necessity of extending the provisions of the said act beyond the time limited, and that the Bill before Council ought not to pass, whereupon it was Resolved, To nonconcur with the House in passing said Bill into a Law for the following Reasons, viz. 1st. That the act which this is to continue in force for a longer time than the Tenth Section of said Act provided for, was passed by the Legislature under the pressing urgency of Petitions from a great number of Inhabitants, complaining of serious evils that then existed, which evils do not appear to the Council now to exist. 2nd. That the Council conceive it to be against the good policy of this State to pass Laws which might in the least degree savor of an encouragement to Persons to take possession of Lands without thoroughly examining the Titles under which they are to hold, which means of inquiry have now become much more familiar and certain than in years past.

The Committee on the Bill Entitled "An act directing the Treasurer to pay Elias Stevens the Sum therein mentioned," reported the following amendment to be added to the Bill: "Provided that the said Elias Stevens shall execute to the Treasurer of this State a Bond in the penal Sum of fifty Dollars, conditioned That if the aforesaid Certificate shall hereafter be presented and paid by the Treasurer, the said Elias shall repay the same to the Treasurer on Demand with Interest"—which Report was accepted and on motion Resolved, To concur with the House in passing the said Bill into a Law as amended.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act incorporating certain persons therein mentioned by the name of the Rutland and Stockbridge Turnpike Company," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, That it be Referred to Messrs. Wheelock and Galusha.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act incorporating and establishing an Academy in Rutland in the

County of Rutland and State of Vermont," was sent up to the Governor and Council for Revision &c. and being read it was motioned that it be recommended to the House of Representatives to lay this Bill over to the next Session of the Legislature, which motion was negatived, and it was Resolved, That it be referred to Mr. Niles for amendment.

The following Resolution was received from the House—"Resolved, the Governor and Council concurring therein, that the Governor and Council meet the House in the Representatives' Room tomorrow morning at 10 O'clock in order to adjourn the Legislature without day. In General Assembly Nov. 8, 1804, Read and adopted. Attest M. Post Clk."—which was read and Ordered to lie on the Table.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act regulating the packing and sale of Lime," was sent up to the Governor and Council for their Revision &c. read and Resolved, That it be referred to Mr. Wheelock.

The Committee to whom was referred the Bill Entitled "An act directing the Treasurer of this State to suspend Prosecution against Josiah Edson Esquire, late Sheriff of Orange County, for the Term of one year," reported sundry amendments, which were adopted & Resolved, That the said Bill do pass and that it be engrossed and sent to the House for their Concurrence &c.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to credit the First Constable of the Town of Williamstown the sum therein mentioned," was sent up to the Governor and Council for their Revision &c read and on motion Resolved, To concur with the House in passing the said Bill into a Law.

The Committee on the Methodist Resolution reported a new amendment to the Bill, when on motion it was Resolved, That it be laid over to the next Session of the Legislature.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in addition to an act Entitled an act in addition to an act Entitled an act directing the publication of Advertisements in the Newspapers therein mentioned, passed Nov. 5th, 1799," was sent up to the Governor and Council for their Revision &c. and being read it was Resolved, That it be referred to Mr. Galusha.

"An act in addition to an act Entitled an act for regulating and governing the Militia," was again Read and on Motion Resolved, That it be referred to Govr. Brigham, Messs. Shepardson & Witherell.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act establishing a Grammar School in Dorset," was sent up to the Governor and Council for their Revision &c. Read and on motion Resolved, That it be referred to Mr. Niles.

Adjourned to 8 O'clock Tomorrow morning.

RUTLAND, Friday, November 9th, 1804, 8 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act restoring John Nott to his Law in a certain case therein mentioned," was sent up to the Governor and Council for their Revision &c. and being read it was on motion Resolved, To concur with the House in passing the said Bill into a Law.

The Treasurer appeared in Council Chamber, produced his Bonds, which were read, approved and accepted by the Governor and Council, and the Oath of Office was administered to him by his Honor the Lt. Governor.

The Resolution of the House for the adjournment of both Houses was again read, amended by altering the time of adjournment to one O'clock this Day, Concurred as amended and Ordered, That the Secretary carry it to the House.

Mr. White asked and had leave to introduce a Bill Entitled "An act to repeal the first Section of an act Entitled An act to encourage the increase of Sheep," which was read, passed and Ordered, That it be engrossed and sent to the House for their concurrence.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to collect all Monies due from Sheriffs" &c. was sent up to the Governor and Council for their Revision &c. which was read and undergoing sundry Amendments it was Resolved, To concur with the House in passing the same into a Law as amended, and Govr. Brigham appointed to inform the House of the Reasons of Council in adopting those Amendments.

The following Messages from the House were delivered by the officer of the House—"In General Assembly Novr. 8th, 1804, Resolved to concur with the Governor and Council in their proposed Amendments to the Bill Entitled "An act granting to Gideon King the Right of keeping a Ferry" &c.—and further Resolved to concur in the Resolution for referring the Bill Entitled "An act authorizing and empowering the Proprietors and Landowners of Stow to make, accept and Confirm any Division" &c. to the next Session of the Legislature. Extract from the Journals, Attest M. Post Clk. In General Assembly Nov. 9th, 1804, Resolved to concur with the Governor and Council in their proposed Amendments to the Bill Entitled "An act directing the Treasurer to pay Elias Stevens the sum therein mentioned." Extract from the Journals, Attest M. Post Clk"—which messages were read and ordered to be entered on the Journals.

The Debenture of Council for the present Session was read as made out by the Secretary, approved, and ordered that it be entered on the Journals, as follows:—

	Travel.	Amt. of Travel.	Attendance.	Amt. of Att'dce.	Whole Amount.
His Honor Paul Brigham, Lt. Governor	50	$6.00	30	$120.00	$126.00
The Honble Jonas Galusha of the Council	50	6.00	30	45.00	51.00
" Samuel Safford	58	6.96	15	22.50	29.46
" Noah Chittenden	65	7.80	30	45.00	52.80
" James Witherell	17	2.04	30	45.00	47.04
" Beriah Loomis	60	7.20	30	45.00	52.20
" John White	87	10.44	30	45.00	55.44
" Nathaniel Niles	71	8.52	30	45.00	53.52
" Eliakim Spooner	52	6.24	30	45.00	51.24
" Samuel Shepardson	81	9.72	30	45.00	54.72
" Ebenezer Wheelock	28	3.36	30	45.00	48.36
" Asaph Fletcher	25	3.00	30	45.00	48.00
" Elias Keyes	24	2.88	21	31.50	34.38
William Page Junr. Secretary	65	7.80	30	75.00	82.80
Arunah W. Hyde Esqr. Sheriff of Rutland Cy	10	1.20	30	45.00	46.20
Issachar Reed for his Bill of Room &c.					20.00
					$853.16

An Engrossed Bill, passed in the House of Representatives, Entitled "An act assessing a Tax on the Low Lands on Otter Creek for the purpose therein mentioned," was sent up to the Governor and Council for their Revision &c. read, amended and on motion Resolved, To concur

with the House in passing the said Bill into a Law as amended, and Mr. Galusha requested to inform the House of the Reasons of Council in proposing those Amendments.

The Committee on the Bill Entitled "An act Incorporating and establishing an Academy in Rutland in the County of Rutland and State of Vermont," reported that the Third and fourth Sections be erased and two new ones inserted, which was accepted and on Motion it was Resolved, To concur with the House in passing the same into a Law as amended, and Mr. Niles appointed to inform the House of the Reasons of Council in adopting those Amendments.

The Committee on the Bill Entitled "An act regulating the Packing and Sale of Lime," reported that the words "Winchester Measure" be inserted after the word "Bushels" in the Seventh line, which was adopted and on motion Resolved, To concur with the House in passing said Bill into a Law as amended.

The following Messages were recd. from the House, read and Ordered, That they be entered on the Journals, viz. "In General Assembly Nov. 9th, 1804, Resolved to concur with the Governor and Council in passing the Bill Entitled "An act directing the Treasurer of this State to suspend prosecution against Josiah Edson Esquire Sheriff" &c. and the Bill Entitled "An act to repeal the first Section of an act Entitled An act to encourage the increase of Sheep." And also Resolved to concur in the amendment proposed by the Governor and Council to the Resolution appointing a Time for the Two Houses to meet in order to adjourn the Legislature. Attest M. Post Clk. In General Assembly Nov. 8, 1804, Resolved to concur with the Governor and Council in their proposed Amendment to the Bill Entitled "An act to repeal the act therein mentioned" &c. Extract from the Journals, Attest M. Post Clk."

The following Bills, passed in the House of Representatives, were sent up to the Governor and Council for their Revision &c.—"An Act empowering the Supreme Court to Hear the Petition of Thomas Barnum and others for a new Trial; An act empowering William C. Harrington, Executor of the last Will and Testament of William Coit Esqr. late of Burlington deceased, to sell and convey &c.; An act directing a Suit to be commenced in the name of the Treasurer of this State against Asa Smith"—which were severally read and considered and on Motion Resolved, To concur with the House in passing them into Laws.

Mr. Chittenden [was] appointed to receive the Debenture of Council.

The Committee on the Bill Entitled "An act in addition to an act respecting Advertisements" &c. reported that it ought not to pass, whereupon it was Resolved, To nonconcur with the House in passing the said Bill into a Law, and Mr. ——— requested to inform the House of the Reasons of Council for such nonconcurrence.[1]

An Engrossed Bill, passed in the House of Representatives, Entitled "An act making the necessary appropriations for the support of Government during the present Session and for other purposes," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, To concur with the House in passing said Bill into a Law.

The Committee on the Bill Entitled "An act incorporating certain persons therein mentioned by the name of the Rutland and Stockbridge Turnpike Company," reported sundry amendments, which were adopted and on motion it was Resolved, To concur with the House in passing

[1] The journal of the House states that the reasons were "annexed to the bill," without stating by whom.

said Bill into Law as amended, and Mr. Keyes requested to acquaint the House with the Reasons which governed Council in proposing those amendments.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act to suspend the Collection of certain Costs," was sent up to the Governor and Council for their Revision &c. and on motion Resolved, To nonconcur with the House in passing the said Bill into a Law, and Mr. Loomis requested to inform the House of the Reasons of Council for such nonconcurrence.

The Committee on the Bill Entitled "An act establishing a Grammar School in Dorset," reported sundry Amendments to the Bill which were adopted and on motion it was Resolved, to concur with the House in passing the said Bill into a Law as amended, and Mr. Niles requested to inform the House of the reasons of Council in proposing those Amendments.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act appointing a Committee to lay out and survey a Market Road from the South line of Fairhaven" &c. was sent up to the Governor and Council for their Revision &c. read and Resolved, To concur with the House in passing the same into a Law.

Mr. Loomis introduced this Resolution—"In Council Nov. 9 1804, Resolved, the House of Representatives concurring therein, that all the unfinished [business] now remaining before the Governor and Council and House of Representatives be laid over to the next Session of the Legislature, then to be taken up and acted on anew in the House of Representatives, and that the Secretary of the Council return to the Clerk of the House the unfinished business now before Council"—which was read, adopted, and Ordered that the Secretary carry it to the House & request the concurrence of that Body.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act directing the Treasurer to pay Jas. A. Potter the sum therein mentioned," was sent up to the Governor and Council for their Revision &c. read and on motion Resolved, To concur with the House in passing the said Bill into a Law.

The following Message was received from the House, read and Ordered, That it be entered on the Journals—"In General Assembly Nov. 9th, 1804. Resolved that this House concur with the Governor and Council in their amendments to the following Bills, to wit—"An act directing the Treasurer to collect all Monies due from Sheriffs" &c., "An act establishing a Grammar School in Dorset," and "An act assessing a Tax on certain low lands on Otter Creek" &c. Extract from the Journals, Attest M. Post Clk."

The Resolution of Council, relative to the unfinished business before both branches of the Legislature was returned to Council by a Member of the House with this order thereon—"In General Assembly Novr. 9, 1804, Resolved to concur with the Governor and Council in this Resolution. Attest M. Post Clk," and the same Member also informed the Governor and Council that the House was now ready to join with the Council in the Representatives' Room for the purpose of adjourning the Legislature without day.

The Governor and Council immediately proceeded to the Representatives' Room for the purpose abovementioned, and after an appropriate prayer by Mr. Ball, the Chaplain, the Legislature was adjourned without day, and Proclamation made of the same by Arunah W. Hyde Esqr. Sheriff of Rutland County.

A True Journal— Attest WILLIAM PAGE Junr. *Secy.*

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION, AT RUTLAND, MAY 15 AND 16, 1805.

STATE OF VERMONT ss. A Journal of the Proceedings of the Governor and Council of the State of Vermont at their Session begun and holden at the Court-House in Rutland within and for said State on Wednesday the fifteenth day of May in the Year of our Lord one Thousand eight Hundred and five and of the Independence of the United States the Twenty-ninth, by special notification from His Excellency the Governor, for the purpose of supplying a Vacancy in the Office of High Bailiff in the County of Caledonia, and to do and transact any other Business that may then and there be considered proper to be done.

2 O'CLOCK P. M.—Present His Excellency Isaac Tichenor Esquire Governor, His Honor Paul Brigham Esquire L^t^ Governor, of the Council The Honorable Jonas Galusha, Samuel Safford, James Witherell, John White, Eliakim Spooner, Samuel Shepardson, Asaph Fletcher & Elias Keyes Esquires. William Page Jun^r^ Secretary, Arunah W. Hyde Esq^r^ Sheriff.

The Governor communicated to the Council sundry Letters from David Wing Ju^r^ Esquire Chief Judge of the County Court of Caledonia County, several Attornies in that County and from William C. Bradley Esquire, respecting the appointment of a High Bailiff in the County of Caledonia to supply the vacancy occasioned by the refusal of Abner Harris the present High Bailiff to qualify himself for that Office according to Law.

On Motion of L^t^ Gov^r^ Brigham, the Council proceeded to the choice of a High Bailiff to supply the vacancy in that Office in the County of Caledonia, and the Ballots being counted, David Tilton was declared to be duly elected.

On Motion, The Council resolved also to supply the vacancy in the Office of High Bailiff in the County of Franklin, occasioned by the refusal of Bohan Shepard Esquire, the present High Bailiff, to qualify himself for that office according to Law, founded on the Representation of the Hon^r^able M^r^ White—and the ballots being counted, Oliver Day Esq^r^ was declared to be duly elected.

The Governor informed the Council that two applications had been made to him from Morgan Lewis Esquire, Governor of the State of New York, requesting the Governor of this State to cause to be apprehended and delivered to Nathan Willson Esquire Sheriff of Washington County in the State of New York, or to such other person as he shall appoint for that purpose, the body of Benjamin Adams, who stands charged, by Indictment, with felony, committed in the said County of Washington, and the Bodies of William Palmer, Jehiel Palmer, and Elam Stebens, late of the Town of Hebron in the said County of Washington, who stand charged by Indictment with a Riot, all of whom, it is represented, are now in this State, and the Documents relative to the said application being read it was on Motion Resolved, That the Council

advise the Governor to issue his warrant to apprehend the Bodies of the said Benjamin Adams, William Palmer, Jehiel Palmer, and Elam Stebens, and that he cause them to be delivered to the said George Willson Esq^r. or to such other person as he shall appoint for that purpose.

Adjourned to 6 O'clock Tomorrow morning.

THURSDAY 16 May, 1805, 6 O'clock A. M.

The Council met pursuant to adjournment.

The Debenture of Council was read by the Secretary, approved, and Ordered, That it be entered on the Journals, as follows:—

Debenture of Council at their Special Session May 1805.

	Travel.	Amt. of Travel.	Attendance.	Amt. of Att'ce.	Whole Amt.
His Honor Paul Brigham L^t. Governor	50	$6.00	2	$8.00	$14.00
The Hon^ble Jonas Galusha of the Council	50	6.00	2	3.00	9.00
" Samuel Safford	59	7.08	2	3.00	10.08
" James Witherell	17	2.04	2	3.00	5.04
" John White	87	10.44	2	3.00	13.44
" Asaph Fletcher	27	3.24	2	3.00	6.24
" Elias Keyes	20	2.40	2	3.00	5.40
" Eliakim Spooner	52	6.24	2	3.00	9.24
" Samuel Shepardson	80	9.60	2	3.00	12.60
William Page Jun^r. Secretary	65	7.80	2	5.00	12.80
Arunah W. Hyde Esq^r. Sheriff	12	1.44	2	3.00	4.44
		$62.36		$40.00	$102.36

No further business being before the Council, on Motion they adjourned without day.

A True Journal, Attest WILLIAM PAGE Jun^r. *Sec^y.*

TWENTY-NINTH COUNCIL.

OCTOBER 1805 TO OCTOBER 1806.

ISAAC TICHENOR, Bennington, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

NATHANIEL NILES, West Fairlee,
JONAS GALUSHA, Shaftsbury,
JOHN WHITE, Georgia,
BERIAH LOOMIS, Thetford,
NOAH CHITTENDEN, Jericho,
ELIAKIM SPOONER, Westminster,
JAMES WITHERELL, Fairhaven,
ASAPH FLETCHER, Cavendish,
ELIAS KEYES, Stockbridge,
SAMUEL SHEPARDSON, Guilford,
EBENEZER WHEELOCK, Whiting,
JOSIAH WRIGHT, Pownal.

WILLIAM PAGE, Jr., *Secretary.*
DAVID ELKINS, *Sheriff.*

BIOGRAPHICAL NOTICE.

Gen. JOSIAH WRIGHT, born in 1752, son of Charles Wright, was brought by his father from Williamstown, Mass., to Pownal in 1763. He represented Pownal in the General Assembly 1793 until 1803, 1796 excepted — nine years ; was Councillor 1805 until 1817, 1808 and 1814 excepted—ten years ; Judge of Probate 1801 until 1814—thirteen years; Judge of the County Court 1810 until 1817, 1814 excepted—six years ; a Justice of the Peace twenty-four years ; and Presidential Elector in 1804 and 1812. He was one of the Board of Commissioners appointed in 1807 for the erection of the State Prison, "and is believed," wrote Gov. Hiland Hall, "to have been the active agent and superintendent in its construction." He was Councillor when his death occurred, Jan. 1 1817, from an accident. Gen. Wright and his younger brother, Judge Solomon Wright, differed in political sentiment on the formation of the Jeffersonian Republican and Federal parties, and each was a party leader in the town and influential in the

County and State. The General was defeated by the Judge in the election for representative in 1796, 1803, and 1804; and again in the appointments as Judge of the County Court and of the Probate Court in 1814; but as during their political lives the Republican party was generally dominant, the largest share of official service fell to the General. Both were Whigs in the revolution, and rendered military service—the General in the battle of Bennington, and the Judge on the frontier posts at Rutland and Pittsford. Gov. Hall has described them as "men of great natural talent and shrewdness, and possessing sound and discriminating judgments and determined wills, were well calculated to lead in all matters in which they respectively took part."—*Vt. Historical Magazine*, Vol. I, article "Pawlet"; Deming's *Catalogue;* and *Vt. Legislative Directory*, 1876-7.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT DANVILLE,

OCTOBER, 1805.

STATE OF VERMONT ss. A Journal of the Proceedings of the Governor and Council of the State of Vermont at their Session begun and holden at Danville, within and for said State, on the tenth day of October, being the second Thursday of that Month, in the year of our Lord one Thousand eight Hundred and five, and of the Independence of the United States the Thirtieth, on which day the General Assembly were convened pursuant to the Laws and Constitution of this State—Present His Excellency Isaac Tichenor Esq^{r} Governor, His Honor Paul Brigham Esq^{r} L^{t} Governor, of the Council the Hon^{ble} Jonas Galusha, Samuel Safford, Noah Chittenden, James Witherell, Beriah Loomis, John White, Nathaniel Niles, Eliakim Spooner, Samuel Shepardson, Ebenezer Wheelock, Asaph Fletcher & Elias Keyes Esquires. William Page Jun^{r} Secretary, David Elkins Esquire Sheriff of Caledonia County.

M^{r} Safford introduced the following Resolution—Resolved, That a Committee of five Members be chosen from Council, to join such Committee as the General Assembly may appoint, to receive, sort and count the Votes for Governor, L^{t} Governor, Treasurer and Councillors for the year ensuing and report the same as soon as may be—[which was adopted.] Mess^{s} Galusha, Witherell, White, Niles & Fletcher were appointed a Committee from Council for that purpose and sworn accordingly.

Ordered, That the Secretary acquaint the house of Representatives that a quorum of the Council has convened, and also carry down the foregoing resolution.

Mr. Shaw, a Member of the house, returned the above resolution with the order of that body thereon—" In General Assembly Octr. 10th, 1805, Read, Concurred & Messs. Rising, Graves, [Jacob] Galusha, S. Porter, Knight, Whitney, Shaw, P. Smith. E. Porter, Enos, Luce, J. [James] Smith, Rich. S. Strong, Frazer, Thayer, Buckingham, Chase, Pearl, Jackson, J. French, Cameron, Armington, Cahoon, White, Pomeroy, J. Robinson, Hinman, Crafts, Parker, De Forest, Kibbe and S. Phelps appointed a Committee on the part of the House. Attest M. Post Clk. Pro Tem."

Council adjourned to 5 O'clk P. M. for the purpose of attending Public Worship.[1]

5 O'clock P. M.—[Dudley Chase, a] Member of the House, informed the Governor and Council that the Committee, appointed to receive, sort and count the Votes for Governor, Lt. Governor, Treasurer & Councillors for the year ensuing, were ready to report, and requested the attendance of this branch of the Legislature in the Representatives' Room for the purpose of receiving the same.

The Governor and Council immediately proceeded to the Representatives' Room for that purpose, when the Committee made the following Report—" Danville October 10th, 1805. To the Honble General Assembly now sitting at Danville in the County of Caledonia—Your Committee appointed to receive, sort & count the Votes for Governor, Lt. Governor, Treasurer and Councillors for the year ensuing, beg leave to report, That His Excellency Isaac Tichenor Esqr. is elected Governor, His Honor Paul Brigham Lt. Governor, Benjamin Swan Esquire Treasurer, Jonas Galusha, Beriah Loomis, Noah Chittenden, James Witherell, Eliakim Spooner, Asaph Fletcher, Samuel Shepardson, Ebenezer Wheelock, John White, Nathaniel Niles, Elias Keyes and Josiah Wright Esquires Councillors. Attest Jonas Galusha, *Chairman*."[2]

David Elkins Esquire, Sheriff of Caledonia County, made proclamation of the same, and the Governor and Council returned to their Chamber and adjourned to 9 O'clock tomorrow morning.

Friday October 11th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment—Present His Honor Paul Brigham Lt. Governor, of the Council The Honble Jonas Galusha, Beriah Loomis, Noah Chittenden, James Witherell, Eliakim Spooner, Asaph Fletcher, Ebenezer Wheelock, John White, Nathaniel Niles,

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[1] Rev. John Fitch preached the election sermon.

[2] Gen. Samuel Safford of Bennington, who had been Councillor for twenty-two successive years, was superseded by Gen. Josiah Wright of Pownal. Gen. Safford was at this time seventy-eight years of age, and possibly expressed a wish to retire, though there is no published evidence to that effect. The above ticket of Councillors, said *Spooner's Vt. Journal* of Aug. 6 1805, was nominated by a caucus of the Jeffersonian members of the Legislature of 1804, with Jonathan Robinson as Governor, Paul Brigham as Lieut. Governor, and William Hunter as Treasurer. No statement of the votes of the freemen can be found, but the election of the Federalists Tichenor and Swan, while the Council and House were Jeffersonian, indicates that many of the Jeffersonians refused obedience to the recommendation of the caucus.

Elias Keyes and Josiah Wright Esquires. William Page Junr. Secretary, David Elkins Esquire Sheriff.

The Lt. Governor and the abovementioned Members of the Council proceeded to the Representatives' Room, and after prayer by the Revd. Mr. Goodwillie, the Oaths of Office and to support the Constitution of the United States were administered to them by the Chief Justice. The Council returned to their Chamber and Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Samuel Shepardson Esquire appeared in Council and after taking the Oaths of office and to support the Constitution of the United States, took his seat as a Member of this board.

Mr. [Dudley] Chase, from the house, informed the Council that the house were organized and ready to receive any communications from his Excellency the Governor.

The Secretary, by direction of the Governor, informed the house that he would wait on them tomorrow morning at nine o'clock to take the necessary oaths and to make his official Communications.

Adjourned to 9 O'clock tomorrow morning.

Saturday, October 12th, 1805, 9 O'clk A. M.

The Council met pursuant to adjournment.

The Governor, accompanied by the Council, proceeded to the Representatives' Room, and, after taking the Oaths of Office and to support the Constitution of the United States, delivered to both Branches of the Legislature the following Speech.[1] The Governor and Council then returned to their Chamber and commenced business.

On Motion Resolved, That all Committees from this body be appointed by the Governor, and in case of his absence by the Lt. Governor.

The following resolution was received from the house—"In General Assembly Octr. 11th, 1805. The following standing Committees, according to their respective denominations, were appointed on the part of the house, to join such Commtees as the Honl. Council may please to appoint on the same subjects, viz. Committee on New Trials—Messs. W. Chamberlain, H. French and Gardner. Committee of Insolvency and Suspension—Messs. Luce, E. Porter, Clap, House and Wilkins. Committee on Petitions of Collectors of State Taxes—Messs. Fox, Henry and Galusha. Committee on Banks—Messs. Hunt, Cottle, Crafts, J. Fisk, [Jonathan of Williamstown,] P. Smith, B. Phelps and Baker. First Land Tax Committee—Messs. D. Dyer, Foster & C. Smith. Second Land Tax Committee—Messs. Hall, Fisher & Enos. Third Land Tax Committee—Messs. Barlow, Painter & Shafter. First Turnpike Committee—Messs. Hurd, Knight, Chipman, Freeman, Butts, Chase, Pearl, Pomeroy, Palmer, Hinman and H. French. Committee on the Glebe Lands—Messs. Gardner, Williams, R. Parker, Emerson and J. Perry. Extract from the Journals, Att. M. Post Clk"—which was read and it was Resolved to concur in the appointment of the above named standing Committees, and that Mr. Galusha join the Committee appointed by the house on New Trials—Mr. White The Committee of Insolvency and Suspension—Mr. Shepardson The Committee on the Petitions of Collectors of State Taxes—Messs. Niles & Keyes The Committee on Banks—Mr. Wright The First Land Tax Committee—Mr. Fletcher The Second Land Tax Committee—Mr. Spooner The Third Land Tax Committee—Messs. Witherell & Loomis The First Turnpike

[1] For speech see *Appendix* A.

Committee—Messrs. Chittenden & Wheelock The Committee on Glebe Lands.

The following Resolution was received from the House—"Resolved. the Governor and Council concurring herein, that the Members of both Houses meet in County Conventions, at four O'clock in the afternoon Monday next, for the purpose of making County nominations for County Officers, and that both Houses convene in joint Committee on Wednesday next, at 10 O'clock in the forenoon in the Representatives' room, for the purpose of receiving such nominations and making the appointment of such Officers. In General Assembly, Oct^r. 11^th, 1805, Read and passed into a Resolution of this House, and Ordered to be sent to the Governor and Council for their Concurrence. Att. M. Post Clk."—which was read, and it was Resolved to concur therein.

The Petition of Josiah Patterson, praying to be released from a Judgment in favor of the Treasurer of the State against him, was received from the House with this order thereon: "In General Assembly Oct^r. 11, 1805, Read and Referred to Messrs. Buckingham, Wheatley and Seegar, to join Committee from Hon^ble Council. Att. Martin Post Clk."—which was read, and it was Resolved, That Gov^r. Brigham join the aforesaid Committee appointed by the House.

The Petition of Jonathan Peterson was received from the house with this order thereon—"In General Assembly Oct^r. 11, 1805, Read and Referred to the Committee on the Petition of Josiah Patterson to join Committee from Council. Attest Martin Post Clk."—which was read, and it was Resolved, To concur in the above reference.

The Petition of Timothy Bush, praying for a New Trial in a certain case therein mentioned, was received from the house with this order minuted thereon—"In General Assembly Oct^r. 11, 1805—Read and Referred to the Committee on New Trials to join &c. Attest Martin Post Clk."—in which Reference the Council concurred.

The Petition of the Selectmen of Acton was received from the House with this order thereon—"In General Assembly Oct^r. 11, 1805—Read & Referred to the Committee on State Taxes to join. Att. Martin Post Clk"—in which reference the Council concurred.

A Petition for a Bank at Windsor, the Petition of J. [John] Holbrook and others for a Bank at Brattleboro', and a Petition for a Bank at Burlington were received from the house with the following order on each: "In General Assembly Oct^r. 11^th, 1805—Read & Referred to the Committee on Banks to join. Att. Martin Post Clk"—which were severally read, and it was Resolved, To concur in the above reference.

A Petition for [a] Land Tax on Coit's Gore, and one for a Land Tax on S^t. Albans were received from the house with this order on each—"In General Assembly Oct^r. 11^th, 1805—Read & Referred to the First Land Tax Committee. Att. Martin Post Clk"—which were severally read, and it was Resolved, To concur with the House in the above reference.

A Petition for a Turnpike Road on Connecticut River, the Petition of the Selectmen of S^t. Johnsbury for a Turnpike Road from Wells River to S^t. Johnsbury, and the Petition of Wright Spalding and others for a Turnpike Road from Onion River thro' Moretown to Hancock, were received from the house with this order on each—"In General Assembly Oct^r. 11, 1805—Read and Referred to the First Turnpike Committee to join. Att. Martin Post Clk"—whereupon it was Resolved, To concur with the house in the above reference of the Petitions.

The Petition of the Selectmen of Danby, relative to the Glebe Lands in said Town, was received from the house with this order thereon—"In General Assembly Oct^r. 11, 1805—Read and Referred to the Committee

on the Glebe Lands, to join. Att. Martin Post Clk"—which Petition and the order of the house being read, it was Resolved, To concur in the said Reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Petition of the Selectmen of the Town of Castleton was received from the house with this order of that body thereon—"In General Assembly Oct^r. 12, 1805—Read & Referred to Mess^s. R. Lyon, Ware, Stone, Sam^l. Phelps and Walbridge to join. Att. M. Post Clk."—which was read, with the order of the house, and it was Resolved, That M^r. Loomis join the above Committee appointed by the House.

The Petition of John Huntington was received from the house with this order on it—"In General Assembly Oct^r. 12, 1805—Read and Referred to the Committee on the Petition of Josiah Patterson to join. Att. Martin Post Clk."—in which reference it was Resolved, To Concur.

A Petition for a Land Tax on Jay, and one for a Land Tax on Warren, were received from the House with this order on each—"In General Assembly Oct^r. 12^th, 1805—Read and referred to the Second Land Tax Committee to join. Att. M. Post Clk."—which Petitions and the orders taken by the house on them being read it was Resolved, To concur with the house in the said Reference.

The Petition of Joseph Safford, for an act of Suspension, was received from the house with this order on the same—"In General Assembly Oct^r. 12, 1805—Read & Referred to the Committee of Insolvency &c. to join &c. Att. M. Post Clk"—which was read, and it was Resolved, To concur with the house in the said Reference.

An act Incorporating certain Persons therein mentioned by the name of the Onion River Turnpike Company, referr^d from the last Session of the Legislature, and a Petition for the grant of a Turnpike Road from Rutland to Cambridge in the State of New York, were received from the house with this order on each—"In General Assembly Oct^r. 12, 1805—Read and Referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—which were severally read, with the orders of the house, & it was Resolved, To concur with the house in the said Reference.

An act appointing a Committee to receive Proposals for building a States Prison, and also for viewing such places as they shall think proper for that purpose, referred from the last Session of the Legislature, was received from the house with this order thereon—"In General Assembly Oct^r. 12^th, 1805—Read and Referred to Mess^s. Aiken, E. Fitch, Tuthill, Noble, Sanford, Wheatley, Brownson, Goodwillie, Hubbard, T. H. Parker, and Hibbard, to join Committee from Council, to take into consideration all proposals &c. on the subject, and devise ways and means to carry the object proposed into effect. Att. Martin Post Clk"—which Bill and the order of the house thereon being read, it was Resolved, That Gov. Brigham and M^r. Galusha join the Committee appointed by the House on the s^d Bill, and for the purpose expressed in the order of the house.

Adjourned to 9 O'clock Monday Morning.

Danville, Monday, October 14^th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petitions of Samuel Spring and Russell Underwood, praying for remission of fines imposed upon them by the Supreme Court, for uttering and passing Counterfeit Bank Bills, at the September Term of said

Court holden at Chelsea within and for the County of Orange, were read, and it was Ordered, That the said Petitioners be heard by the Governor & Council tomorrow morning, at 10 O'clock, and that the Sheriff inform their Counsel and the State's Attorney of Orange County of this order of Council.

Five Petitions for Turnpike Roads in various parts of the State, one from Samuel Cahoon and others, one from James Whitelaw and others, one from Apollos Smith and others, one from Elijah Dewey and others, and one from the Weathersfield Turnpike Company were received from the House with this order on each—"In General Assembly Oct^r. 12, 1805—Read & Referred to the Turnpike Committee to join. Att. M. Post Clk"—which were severally read, with the orders of the house thereon, & it was Resolved, To concur with the house in the said Reference.

Three Petitions, for acts of Insolvency or Suspension, one from John H. Palmer, one from David Robbins, and one from Ozi Baker, were also received from the house with this order on each—"In General Assembly Oct^r. 12, 1805—Read & Referred to the Com^e of Insolvency and Suspension to join &c. Att. M. Post Clk"—which were severally read, with the orders of the house thereon, & it was Resolved, To concur with the house in the said Reference.

The Petition of Prince B. Hall, praying for an act of Insolvency, was received from the house with this order thereon—"In General Assembly Oct^r. 12^th, 1805—Read and Referred to the Committee of Insolvency and Suspension to join &c. Att. Martin Post Clk"—which was read, and it was Resolved, That M^r. Chittenden join the said Committee on this Petition in the room of M^r. White, the standing Member, who, at his request, was excused.

A Petition from Jos. Boyden, First Constable of Guilford, A Petition from the Selectmen of Waitsfield, and a Petition from Alpheus Hall, were received from the house with this order on each—"In General Assembly Oct^r. 11^th, 1805—Read & Referred to the Committee on State Taxes to join &c. Att. M. Post Clk"—which were severally read, and the orders of the house thereon, & it was Resolved, To concur with the house in the said reference.

A Petition from the Town of Faystown, praying for a Land Tax, was received from the house with this order thereon—"In General Assembly Oct^r. 12^th, 1805—Read and Referred to the First Land Tax Committee to join &c. Att. M. Post Clk."—in which Reference the Council concurred.

The Petition of Richard Sawyer and others, praying for an act to aid the publication of a Land Tax in Corinth, was received from the house with this order thereon—"In General Assembly Oct^r. 12, 1805—Read and Referred to the Second Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Council concurred.

The Petition of Jared Blood and others, of the Society of Methodists, was received from the house with this order on it—"In General Assembly Oct^r. 12, 1805—Read & Referred to Mes^s. Rich, Knight & J. Dyer to join Committee from Council. Attest Martin Post Clk."—which Petition and the order of the house thereon being read, it was Resolved, That M^r. Niles join the above Committee appointed by the House.

A Petition from the Selectmen of Charlotte was received from the house with this order of the house thereon—"In General Assembly Oct^r. 12, 1805—Read & Referred to Mes^s. T. Hammond, Cutler & Leffingwell to join Committee from Council. Attest Martin Post Clerk"—which was read, with the order of the house, and it was Resolved, That M^r. Loomis join the s^d Committee appointed by the house.

The Petition of Aaron Henry and Heman Henry, praying to be released from the payment of a Note given to the Treasurer of the State, was received from the house with this order of the house thereon—"In General Assembly Oct^r. 12, 1805—Read & Referred to the Committee on the Petition of Josiah Patterson to join &c. Att. M. Post Clk."—in which reference, after reading the s^d Petition, the Council concurred.

An act for arming the Exempts of the Militia, and an act in addition to an act Entitled an act for regulating and governing the Militia, both referred from the last Session of the Legislature, and the Petition of Amos Kellogg, were received from the house with this order thereon—"In General Assembly Oct^r. 12, 1805—Called up and Referred to Mess^s. W. Chamberlin, Reed, M^cLaughlin, Rich & J. Rising, to join Committee from Council and take into consideration all matters and Laws relating to the Militia. Att. M. Post Clk."—which were severally read and considered, and it was Resolved, That Gov^r. Brigham join the above Committee appointed by the house on the said Bills and Petition.

A Petition from the Inhabitants of Orwell, and one from the Inhabitants of Concord, were received from the house with this order on each—"In General Assembly Oct^r. 12, 1805—Read and Referred to Mes^s. A. Chamberlin, S. Porter, Meach, C. Carpenter and J. Fitch to join Committee from Council. Att. Martin Post Clk"—which were read, with the orders of the house thereon, & it was Resolved, That M^r. Wright join the s^d Committee appointed by the house.

The Petition of Richard Mott, for the Privilege of a Ferry from Milton to Southhero, and one from Ira Fox for the same purpose, were received from the house with this order on the same—"In General Assembly, Oct^r. 12, 1805—Read & Referred to Mess^s. S. Strong, Pond & Hill, to join Committee from Council. Att. M. Post Clk"—which were severally read, with the orders of the house thereon, and it was Resolved, That M^r. White join the Committee Appointed by the house on the s^d Petitions.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The Petition of Thomas Proctor for a Lottery, and a Petition from the Heirs of Amos Mansfield for the revival of a Lottery, were received from the house with this order on each—"In General Assembly Oct^r. 12, 1805—Read & Referred to Mess^s. Galusha, J. Smith, and E. Jones to join Committee from Council. Att. M. Post Clk"—which Petitions and the orders of the house thereon being read, it was Resolved, That M^r. Spooner join the Committee appointed by the house on the said Petitions.

The Petition of the Windham County Grammar School for a grant of the Glebe Lands in said County, and a Petition from the Inhabitants of Tinmouth relative to the Glebe Lands in said Town, were received from the house with this order on each—"In General Assembly Oct^r. 14, 1805—Read and Referred to the Committee on Glebe Lands. Att. M. Post Clk"—which being read, it was Resolved, To concur with the house in the said reference.

The Petition of Heman A. Fay and others, on the subject of Pedlars, was received from the house with this order thereon—"In General Assembly Oct^r. 14, 1805—Read & Referred to Mess^s. Painter, Hazletine & Perkins, to join Committee from Council. Att. M. Post Clk"—which Petition and order of the house thereon being read, it was Resolved, That M^r. Fletcher join the Committee appointed by the house on the said Petition.

The Petition of several officers in the Second Brigade & Second Division of the Militia of this State was received from the house with this order thereon—"In General Assembly Oct. 14, 1805—Referred to the

Militia Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

Six Petitions relative to Turnpike Roads, viz. one from Leonard Farewell and Stephen Fisk, one from the Town of Montpelier, one from a number of the Inhabitants of Danby, Wallingford, and Mt. Tabor, one from Benjamin Deming and others, one from William Slade, and one from the Inhabitants of part of the Towns of Royalton, Bethel and Randolph, were received from the house with this order on each—"In General Assembly Octr. 14, 1805—Read & Referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

Adjourned to 9 O'clock tomorrow morning.

Tuesday, 15th October 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house—"Whereas, an act passed this house, at their last Session, directing the State Treasurer to make a Settlement with the several State's Attornies, and whereas said act proves insufficient to make a final settlement with said State's Attornies, Therefore, *Resolved*, That a Committee of three be appointed to join such Committee as the Governor and Council may appoint, to enquire into the several Laws respecting State's Attornies and the mode of settling their accounts, and report to this house by Bill or otherwise. In General Assembly Octr. 14, 1805—Read, adopted, & Messs. J. Bayley, Whitney and Strong appointed a Committee on the part of the House. Att. Martin Post Clk"—which Resolution was read, concurred and Mr. Galusha appointed the Committee from Council to join the said Committee from the house.

Nine Petitions for Turnpike Roads, viz. one from the Town of Milton, one from the Town of Burlington, one from Gaml. Painter, one from the Freemen of Vergennes, one from Levi Walker and others, one for a Turnpike from Manchester to Chester, one from the Freemen of Ferrisburgh, one from the Inhabitants of Williston, and one from James Southgate and others were received from the house with this order on each—"In General Assembly Octr. 14, 1805—Read & Referred to the Turnpike Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

A Petition for a Land Tax on Lemington was received from the house with the following order on the same—"In General Assembly Octr. 14th, 1805—Read and Referred to the First Land-Tax Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

The following Petitions for Land Taxes were received from the house, one from the Town of Westford, one from the Town of Johnson, one from the Town of Ferrisburgh, and one from the Town of Woodford, with this order on each—"In General Assembly Octr. 14th, 1805—Read & Referred to the Second Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor & Council concurred.

Six Petitions for Land Taxes, viz. one from the Proprietors and Landowners of Parkerstown [Mendon,] one from Enosburgh Gore, one from the Town of Coventry, one from the Selectmen of Chittenden, one for a Land Tax on the Towns of Newark, Easthaven and Granby, and one from the Town of Starksboro' were received from the house with this order on each—"In General Assembly Octr. 14, 1805—Read & Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Council concurred.

A Petition from Jedediah Hammond, and one from the Inhabitants of Kingston [Granville] were received from the house with this order on each—"In General Assembly Oct^r. 14^th, 1805—Read & Referred to the Committee on State Taxes to join &c. Att. M. Post Clk."—in which reference the Council concurred.

The Petition of Charles Livermore and others was received from the house with this order on it—"In General Assembly Oct^r. 14, 1805—Read & Referred to the Militia Committee to join &c. Att. M. Post Clk."—which was read with the order of the house thereon & it was Resolved, To concur in the said Reference.

The Petition of the Selectmen of Lunenburgh was received from the house with this order thereon—"In General Assembly Oct^r. 14, 1805—Read & Referred to the Committee on the Petition of the Selectmen of Charlotte to join &c. Att. M. Post Clk."—which Petition and the order of the House thereon being read, it was Resolved, To concur with the house in the reference of the same.

The Petition of the Selectmen of Londonderry was received from the house with the following order thereon—"In General Assembly Oct^r. 14, 1805—Read and Referred to Mess^s. Knight, Sheldon and Luce, to join Committee from Council. Attest Martin Post Clk."—which being read with the order of the house thereon, it was Resolved, That M^r. Keyes join the Committee from the House on the aforesaid Petition.

The Petition of the Rutland and Stockbridge Turnpike Company was received from the house with this order on it, "In General Assembly Oct^r. 14^th, 1805—Read and Referred to Mess^s. Gilbert, Crafts and Ide, to join Committee from Council and to be denominated the Second Turnpike Committee. Att. M. Post Clk."—which was read, and it was Resolved, That M^r. Niles join the aforesaid Committee from the house.

Adjourned to 2 O'clock P. M.

2 O' CLOCK P. M.—The Petition of John Innes Clark and others, praying for liberty to sell certain Lands, the property of the late copartnership of Clark and Nightingale, was received from the house with this order thereon—"In General Assembly Oct^r. 15, 1805—Read and Referred, with the act accompanying the same, to Mess^s. [Nathaniel] Chipman, Chase & Cahoon to join Committee from Council. Attest Martin Post Clk"—which were read, and it was Resolved, That M^r. Galusha join the Committee appointed by the house on the said Petition and Bill accompanying.

The following Resolution was received from the house—"In General Assembly Oct^r. 12, 1805—Resolved that a Committee of three be appointed to take into consideration the act directing the mode of the Election of Governor, L^t. Governor, Treasurer of the State, Councillors and Representatives, and report such amendments, if any, as they shall think expedient. Read and Referred to Mess^s. Child, Knight & Cowee. Oct. 15, 1805—Committee directed to join Committee from Council. Attest M. Post Clk"—which Resolution was read, & it was Resolved, That M^r. Fletcher join the Committee appointed by the house on the said Resolution.

A Petition from the Selectmen of Windham was received from the house with the following order on the same—"In General Assembly Oct^r. 15, 1805—Read & Referred to the [committee on the] Petition of the Selectmen of Londonderry to join &c. Att. M. Post Clk"—which was read and it was Resolved, To concur with the House in the said Reference.

The Petition of Matthew Cole, praying for an act of suspension, was received from the house with this order thereon—"In General Assem-

bly Oct^{r} 15, 1805—Read and Referred to the Committee on Insolvency &c. to join &c. Att. M. Post Clk"—which was read, and it was Resolved, To concur with the house in the said Reference.

A Petition for a Land Tax on Goshen was received from the house with this order thereon—"In General Assembly Oct^{r} 15th, 1805—Read & Referred to the First Land Tax Committee to join &c. Attest Martin Post Clk"—in which reference the Council concurred.

Three Petitions for Land Taxes, one from the Town of Sherburne, one from Concord, and one from the Inhabitants of Ryegate, were received from the house with this order on each—"In General Assembly Oct^{r} 15, 1805—Read & Referred to the Second Land Tax Committee to join &c. Att. M. Post Clerk"—in which reference the Council concurred.

A Petition for a Land Tax on Glover was received from the house with the following order minuted thereon "In General Assembly Oct^{r} 15, 1805—Read and Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

The Petition of William Buckminster against John Willard, for a new trial, and one from a number of the Inhabitants of Hartland, were received from the House with this order on each—"In General Assembly Oct^{r} 15, 1805—Read and Referred to the Committee on New Trials to join &c. Attest M. Post Clk"—which were severally read, and it was Resolved, To concur with the house in their reference of the same.

The Petition of Daniel Staniford and others, respecting a State's Prison, was received from the house with the following order thereon, "In General Assembly Oct^{r} 15, 1805—Read & Referred to the Committee on the State's Prison business to join &c. Attest Martin Post Clk"—which was read and it was Resolved, To concur with the house in their reference thereof.

The Petition of Roger A. Heirn, praying for the Privilege of keeping a Ferry across Lake Champlain, was rece^{d} from the house with this order thereon, "In General Assembly Oct^{r} 14, 1805—Read and Referred to the Committee on the Petition of Richard Mott to join. Attest M. Post Clk"—which was read and the said reference concurred in.

The Petition of Charles Chaffee was received from the house with this order thereon, "In General Assembly Oct^{r} 15, 1805—Read & Referred to Mess^{rs} S. Collins, Kidder and A. Beach to join Committee from Council. Attest M. Post Clk"—which was read, and it was Resolved, That M^{r} Shepardson join the Committee appointed by the House on the said Petition.

An act in addition to and in alteration of an act ascertaining the Principles on which the list of this State shall be made, and directing the Listers in their office & duty, referred from the last Session of the Legislature, was received from the house with this new order thereon—"In General Assembly Oct^{r} 15, 1805—Read and Referred to Mess^{rs} Rich, D. Dyer and A. Perry, to join Committee from Council. Attest M. Post Clk"—which was read, and it was Resolved, That M^{r} Keyes join the Committee appointed by the house on the same.

An Act appointing a Committee to ascertain the most convenient place for a permanent Seat of the Legislature, referred from the last Session of the Legislature, was received from the house with this new order thereon, "In General Assembly Oct^{r} 15, 1805—Read and referred to Mess^{rs} Graves, Whitney, Enos, Saxton, Buckingham, Perkins, W^{m} Chamberlin, White, Crafts and H. French to join Committee from Council. Att. M. Post Clk"—which was read and it was Resolved, That Mess^{rs} White and Niles join the Committee appointed by the house on the said Bill.

The Petition of John Taplin was sent from the house with this order thereon, "In General Assembly Oct$^{r.}$ 15, 1805—Read and Referred to Mess$^{s.}$ Tenney, Kibbe & D. Smith to join Committee from Council. Attest M. Post Clk"—which was read with the order of the house thereon, and it was Resolved, That M$^{r.}$ Wheelock join in the above Committee from the house.

An act incorporating an Academy at Rutland in the County of Rutland and State of Vermont, referred from the last Session of the Legislature, and a Petition from the Proprietors of Randolph Academy, were received in Council with this new order of the house on each—"In General Assembly Oct$^{r.}$ 15, 1805—Read and Referred to the Committee on the Petition of the Inhabitants of Castleton to join &c. Att. Martin Post Clk."—which was read and it was Resolved, To concur with the house in the said reference.

In Council at Danville, October 15^{th,} 1805.

Present, His Honor Paul Brigham L$^{t.}$ Governor, of the Council The Honorable Jonas Galusha, Beriah Loomis, Noah Chittenden, James Witherell, Eliakim Spooner, Asaph Fletcher, Samuel Shepardson, Ebenezer Wheelock, John White, Nathaniel Niles, Elias Keyes and Josiah Wright Esquires. William Page Ju$^{r.}$ *Secretary.*

The Petition of Samuel Spring, praying to be released and discharged from the payment of a fine of four hundred Dollars and Costs of prosecution amounting to Seventy Dollars, imposed upon him by the Hon$^{l.}$ Supreme Court of Judicature at the Term of said Court holden at Chelsea, within and for the County of Orange, on the first Tuesday of September now last past, for uttering and passing counterfeit Bank Bills, was read, and after a full hearing on the Part of the Petitioner, by Counsel, and on the part of Dudley Chase Esq$^{r.}$ State's Attorney for said Orange County, it was Ordered and Adjudged, unanimously, that the Prayer of the said Petition be not granted.

The Petition of Russell Underwood, stating that he was convicted before the hon$^{l.}$ Supreme Court of Judicature at the Term of said Court holden at Chelsea, within and for the County of Orange, on the first Tuesday of September now last past, of uttering and passing counterfeit Bank Bills, and was sentenced, among other things, by said Court, to pay a fine to the Treasury of this State of one hundred Dollars, and Costs of Prosecution, and praying to be released from the payment of the same, was read and after a full hearing on the part of the Petitioner, by his Counsel, and on the part of Dudley Chase Esquire, State's Attorney of said Orange County, it was, unanimously, Ordered and Adjudged, That the Prayer of said Petition be not granted.

Attest William Page Ju$^{r.}$ *Sec$^{y.}$*

A Petition from the Town of S$^{t.}$ Albans, praying for the Grant of a Turnpike Road, was received from the house with this order thereon, "In General Assembly Oct$^{r.}$ 15, 1805—Read & Referred to the Turnpike Committee to join. Att. M. Post Clk."—in which reference the Council concurred.

A Petition for a Land Tax on Wenlock and Brunswick was received from the house with the following order thereon—"In General Assembly Oct$^{r.}$ 15^{th,} 1805—Read and Referred to the first Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Council concurred.

A Petition for a Land Tax on Plymouth was received from the house with this order thereon—"In General Assembly Oct$^{r.}$ 15, 1805—Read &

Referred to the Second Land Tax Committee to join &c. Attest Martin Post Clk."—in which reference the Council concurred.

A Petition from the Inhabitants of Marshfield was received from the house with this order thereon—"In General Assembly Oct^{r} 15, 1805—Read & Referred to Mess^{rs} Chipman, Morris and Knight to join Committee from Council. Att. M. Post Clerk"—which Petition and order being read, it was Resolved, That M^{r} Loomis join the aforesaid Committee from the house.

Adjourned to 9 O'clock tomorrow morning.

WEDNESDAY, October 16th 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

Pursuant to the joint Resolution of both houses, the Governor and Council proceeded to the Representatives' Room to meet the House of Representatives in joint Committee for the purpose of receiving the Nominations of the several County Conventions and appointing the Civil Officers in the respective Counties, and after making progress in said business, the joint Committee was adjourned until Saturday morning next at ten o'clock to meet in the Representatives' Room. The Council then returned to their Chamber and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Petition of Jonathan Danforth and Seth Ford was received from the house with this order thereon—"In General Assembly Oct^{r} 16, 1805—Read and Referred to the Committee on the Petition of Thomas Procter to join &c. Att. M. Post Clk"—which was read, and it was Resolved, To concur with the house in the said Reference.

The Petition of Jonathan Holton was sent from the house with this order on it—"In General Assembly Oct^{r} 16, 1805—Read & Referred to Mess^{rs} Chipman, C. Smith & S. Porter to join Committee from Council. Attest Martin Post Clk"—which Petition and order of the house being read, it was Resolved, That M^{r} Wright join the said Committee from the house.

The Petition of Sylvanus Brigham, praying for an act of Insolvency, was sent from the house with this order thereon—"In General Assembly Oct^{r} 16, 1805—Read & Referred to the Committee of Insolvency &c. to join &c. Att. M. Post Clk"—which was read and the said reference concurred in.

The Petition of James Tracy and others, Two Petitions from the Inhabitants of Fairfield and one from the Inhabitants of Sheldon were received from the house with this order on each—"In General Assembly Oct^{r} 16, 1805—Read and Referred to Mess. Chipman, Painter and Pomeroy to join &c. Att. M. Post Clk"—which Petitions and orders thereon being read, it was Resolved, That M^{r} Chittenden join the aforesaid Committee from the house.

The Petition of Abel Jackman and others, praying for the repeal of the law establishing the jurisdictional line between the Towns of Vershire and Corinth was received from the house with this order thereon—"In General Assembly Oct^{r} 16, 1805—Read & Referred to Mess^{rs} Gardner, Dennison, Pearl, Arnold and Clap to join Committee from Council. Att. M. Post Clk"—which Petition and order being read, it was Resolved, That Mess^{rs} Spooner & White join the Committee appointed by the house thereon.

The Petition of Ebenezer Weld and John Weld for an act of Suspension, was received from the house with this order thereon—"In General Assembly Oct^{r} 16, 1805—Read and Referred to the Committee of Insol-

vency, &c. to join &c. Attest M. Post Clk"—which was read and it was Resolved to concur with the house in the aforesaid reference.

A Petition for a Land Tax on Hopkinville [Kirby,] and one for a Land Tax on the Towns of Fairfax, Cambridge, Johnson, Hydepark, Wolcott, Hardwick, Walden and Danville were received from the house with the following order on each—"In General Assembly Oct^r. 16, 1805—Read and Referred to the First Land Tax Committee to join &c. Att. M. Post Clk"—which Petitions and orders thereon being read, it was Resolved, To concur with the house in their reference of the same.

A Petition from Concord for a Bank was received from the house with this order on it—"In General Assembly Oct^r. 16, 1805—Read and Referred to the Committee on Banks to join &c. Att. M. Post Clk"—which was read and it was Resolved, To concur with the reference as by them made.

The Petition of Joseph Jacobs for a new Trial, and a Petition for a new trial in the action of John Mann Ju^r. against Josiah Rogers, were received from the house with this order on each—"In General Assembly Oct^r. 16, 1805—Read and Referred to the Committee on new Trials to join &c. Att. M. Post Clk."—which were severally read, and it was Resolved, To concur with the house in their reference of the same.

The following Petitions for Turnpike Roads, one from Lewis R. Morris and his associates, and two for a Turnpike Road from Wells River to St. Johnsbury were received from the house with this order on each —"In General Assembly Oct^r. 16, 1805—Read & Referred to the First Turnpike Committee to join &c. Att. M. Post Clk."—in which reference the Council concurred.

The Petition of the Proprietors of Berkshire was received from the house with this order thereon—"In General Assembly Oct^r. 16, 1805—Read & Referred to Mess^s. House, Sergeant & Crossman to join Committee from Council. Att. M. Post Clk."—which Petition and order thereon being read, it was Resolved, That M^r. Keyes join the Committee from the house thereon.

An act Establishing a [State] Bank was received from the house with this order on it—"In General Assembly Oct^r. 16, 1805—Bro^t. in on leave by M^r. [Elihu] Luce, read and referred to the Committee on Banks to join. Attest Martin Post Clk."—in which reference the Council concurred.

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY October 17^th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of Nathaniel P. Sawyer and others, praying that the Governor and Council would issue a Charter for the Township of Sterling, which the Petitioners state has never been done, was read, and it was referred to M^r. Witherell to make enquiries at the Treasurer's office whether the Granting Fees have ever been paid by the Grantees of said Township.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Resolution was received from the house—"In General Assembly Oct^r. 17, 1805—Resolved, the Governor and Council concurring herein, that the Members of both houses convene in the Representatives' Room, at the opening of the house in the morning, on Friday next, for the purpose of Electing the Judges of the Supreme Court for the year ensuing. Read, adopted and ordered to be

sent to the Governor & Council for their Concurrence. Att. M. Post Clk."—which was read and concurred.

The following Resolution was also received from the House—"Resolved, that a Committee of Three be appointed by this house to join Committee from Council, to take into consideration the laws relating to the Prosecution of Persons accused of crimes against the State, to see what alterations and explanations are therein necessary, and report to this house by bill or otherwise. In General Assembly Oct$^{r.}$ 17, 1805—Read, adopted & Mess$^{s.}$ Chipman, Morris & W$^{m.}$ Chamberlin appointed a Committee on the part of this house. Att. M. Post Clk."—which was read, concurred and M$^{r.}$ Witherell appointed from Council to join the said Committee from the house.

The following Resolution was received from the house—"In General Assembly Oct$^{r.}$ 16$^{th.}$ 1805—on motion of M$^{r.}$ Rich Resolved, That his Excellency the Governor, by and with the advice of Council, be requested to appoint Thursday the fifth day of December next to be observed as a day of Public Thanksgiving and Praise throughout this State. Extract from the Journals, Att. M. Post Clk."—which was read & it was Resolved, That the Council advise his Excellency the Governor to issue his Proclamation for the purpose mentioned in the s^{d} Resolution.

A Petition for a Turnpike Road from Newbury thro' Ryegate and Part of Barnet, A Petition for one through Ryegate woods, one for a Turnpike Road leading through the County of Orange, and a Remonstrance from the Town of Guilford against the Turnpike Road through Windham County, were received from the house with this order on each—"In General Assembly Oct$^{r.}$ 17, 1805—Read & Referred to the First Turnpike Committee to join &c. Att. M. Post Clk."- which were severally read and it was Resolved, To concur with the house in the said reference.

The following Petitions for Land Taxes, one from the Town of S$^{t.}$ Johnsbury, and one from the Proprietors and Landowners of Barnet, were received from the house with this order on each—"In General Assembly Oct$^{r.}$ 17, 1805—Read & Referred to the First Land Tax Committee to join &c. Attest M. Post Clk."—in which reference of the house the Council concurred.

A Petition for a Land Tax on Newark & Easthaven was rec$^{d.}$ from the house with this order thereon—"In General Assembly Oct$^{r.}$ 17, 1805—Read and referred to the Third Land Tax Committee to join &c. Attest M. Post Clk."—in which reference the Council concurred.

The Petition of the Company for rendering Connecticut River Navigable by Bellows Falls was received from the house with this order thereon—"In General Assembly Oct$^{r.}$ 17, 1805—Read and Referred to Mes$^{s.}$ [Asa] Lyon, S. Porter, Knight, Whitney and A. Chamberlin to join Committee from Council. Att. M. Post Clk."—which Petition and order thereon being read, it was Resolved, That M$^{r.}$ Wright join the Committee from the house on s^{d} Petition.

A Petition from Sundry Inhabitants of Peru was received from the house with this order on it: "In General Assembly Oct$^{r.}$ 17, 1805—Read and referred to Mes$^{s.}$ Owen, Leach and Underhill to join Committee from Council. Att. M. Post Clk."—which was read and M$^{r.}$ Wheelock appointed a Committee on the part of the Council.

The Petition of Frye Bayley, and one from Benjamin Bayley first Constable of Groton, were received from the house with this order on each: "In General Assembly Oct$^{r.}$ 17, 1805. Read and referred to the Committee on State Taxes to join &c. Att. M. Post Clk"—in which reference the Council concurred.

The Petition of Stephen Fisk, and one from Seth Ford and others, were received from the house with this order on each: "In General Assembly Oct^r 17, 1805. Read & Referred to the Committee on the Petition of the Proprietors of Berkshire to join. Att. M. Post Clk"—in which reference the Council concurred.

The Petition of Daniel S. Bartram for a New Trial, and one from Ezekiel K. Bigelow against Jonathan Drewry, were received from the house with this order on each: "In General Assembly Oct^r 17, 1805. Read and Referred to the Committee on new trials to join &c. Attest Martin Post Clk"—which were read and the reference of the house concurred in.

A Petition from Isaac Bundy and others was received from the house with this order thereon: "In General Assembly Oct^r 17, 1805. Read and referred to the Committee on the Petition of the Selectmen of Castleton. Attest M. Post Clk"—in which reference the Council concurred.

Adjourned to 9 O'clock tomorrow morning.

DANVILLE, Friday, October 18th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

Pursuant to the Concurrent Resolution of both houses, the Governor and Council proceeded to the Representatives' Room for the purpose of electing the Judges of the Supreme Court, and having accomplished the same, returned to their Chamber and resumed the consideration of business.[1]

The following resolution was sent from the house: "Resolved that a Committee of three be appointed on the part of this house, to join such Committee as shall be appointed by the Council, to consider of the expediency of extending the qualifications of Jurors and appraisers of lands, and to other cases, to lessees of lands for terms of years. In General Assembly Oct^r 17, 1805. Read and Referred to Mess^s Chipman, Chase and Leavenworth to join Committee from Council. Att. M. Post Clk"—which was read, and it was Resolved, That M^r Witherell join the Committee appointed by the house on the aforesaid Resolution.

A Petition from the Inhabitants of Wheelock, Lessees of the Trustees of Dartmouth College, praying to be admitted to the privileges of Freeholders, was received from the house with this order thereon: "In General Assembly Oct^r 17, 1805. Read and referred to the Committee on M^r Chipman's resolution on the same subject, to join Committee from Council. Attest M. Post Clk"—in which reference the Council concurred.

A Petition from the Town of Waterford, for a Turnpike Road thro' Ryegate woods, and one from David Sheldon and others for a Turnpike Road, were received from the house with this order on each: "In General Assembly Oct^r 17, 1805. Read and Referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—in which reference the Council concurred.

The Petitions of B. Goodhue and William Wallace, for acts of Suspension, were received from the house with this order on each: "In General Assembly Oct^r 17, 1805. Read and Referred to the Committee

[1] Jonathan Robinson, Royall Tyler, and Theophilus Harrington were elected Judges.

of Insolvency &c. to join &c. Att. M. Post Clk"—which were read and the reference of the house thereon concurred in.

A Petition from the Inhabitants of the Town of Barre was received from the house with this order thereon. "In General Assembly Oct$^{r.}$ 17, 1805. Read and Referred to the Committee on State Taxes to join &c. Att. M. Post Clk"—which was read and the reference of the house thereon concurred in.

A Petition for a Land Tax on the Town of Waterford was received from the house with this order minuted on the same: "In General Assembly Oct$^{r.}$ 17, 1805. Read and referred to the Third Land Tax Committee to join &c. Attest M. Post Clk"—which was read and the reference of the house thereon concurred in.

The Petition of [Gen.] William Barton was received from the house with this order of that body on it: "In General Assembly Oct$^{r.}$ 17, 1805. Referred to Mess$^{s.}$ [Arad] Hunt, Pearl, Shaw, Bullock and Hurd to join Committee from Council. Att. M. Post Clk"—& it was Resolved, That M$^{r.}$ Wright join the Committee from the house on said Petition.

M$^{r.}$ Witherell, the Committee on the Petition of Nathaniel P. Sawyer and others, for a Charter for Sterling, reported that he was satisfied the Granting fees for said Township had been paid, by an enquiry and examination at the Treasurer's office. And the said Petition being under consideration, it was Resolved, That His Excellency the Governor be advised and requested to issue a Charter of Incorporation for the Township of Sterling, to the Proprietors whose names are in the list certified by the Land Committee, under such Terms, Restrictions and Reservations as are comprised in the Charters of other towns granted by this State.

Adjourned to 9 O'clock Tomorrow morning.

Saturday, October 19^{th,} 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition for a Turnpike Road through this State in a direction from Montreal to Boston, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 18^{th,} 1805. Read and Referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—which was read, and the reference of the house thereon concurred in.

The Petition of the Inhabitants of Montpelier, for a new County, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 18^{th,} 1805. Read and referred to Mess$^{s.}$ Wheatley, Leavenworth, Stanley and Cameron to join Committee from Council. Att. M. Post Clk"—which was read, and it was Resolved, That M$^{r.}$ Niles join the Committee from the house on the said Petition.

Four Petitions for a new County, one from the Inhabitants of Moretown, one from Faystown, one from Calais, and one from Waitsfield, were received from the house with this order on each: "In General Assembly Oct$^{r.}$ 18^{th,} 1805. Read and Referred to the Committee on the Petition of the Inhabitants of Montpelier to join &c. Att. M. Post Clk"—which were read and the reference thereon concurred in.

A Petition from the Inhabitants of Dewcysburgh was received from the house with this order thereon: "In General Assembly Oct. 18. 1805. Read and referred to Mess$^{s.}$ S. Bayley, Muzzy, and Holton to join Committee from Council. Attest M. Post Clk"—which was read, and it was Resolved, That M$^{r.}$ Galusha join the Committee appointed by the house on the aforesaid Petition.

A Petition from the Caledonia Turnpike Company was received from the house with this order on the same: "In General Assembly Oct$^{r.}$ 18, 1805. Read and Referred to the second Turnpike Committee to join &c. Att. M. Post Clk."—which was read and the reference of the house thereon concurred in.

Pursuant to Adjournment the Governor and Council proceeded to the Representatives' Room for the purpose of compleating the appointment of County Officers, and, after making progress in the same, adjourned to Tuesday next at ten o'clock in the forenoon, to meet in the Representatives' Room, and the Council returned to their Chamber and resumed the consideration of business.

A Petition from the Town of Newbury for an academy was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 18, 1805. Read and Referred to the Committee on the Petition of the Selectmen of Castleton to join &c. Att. M. Post Clk."—which was read, and the reference of the house thereon concurred in.

An Engrossed Bill, passed in the house of Representatives, was sent to the Governor and Council for their revision and concurrence or proposals of Amendment, Entitled "an Act directing the Treasurer of this State to pay William Hewes the sum therein mentioned," which was read and it was Resolved, To concur with the house in passing the said Bill into a Law.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Auditor of accounts in his duty as to the allowing accounts &c." was sent to the Governor and Council for their revision &c. & being read, it was on motion Resolved, That it be referred to M$^{r.}$ Shepardson.

The Honorable Royall Tyler Esquire appeared in Council and The Governor administered to him the oaths, prescribed by the Constitution and Laws of this State, faithfully to execute the Office of Side or Assistant Judge of the Supreme Court of Judicature and Court of Chancery for the year ensuing.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A Petition from the Inhabitants of Concord was again received from the house with this new order thereon: "In General Assembly Oct$^{r.}$ 19^{th,} 1805. Report read and Petition recommitted to join &c. Attest Martin Post Clk"—in which recommittment the Council concurred.

An act appointing a Committee to lay out a Road in Woodstock was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 19^{th,} 1805. Read and Referred to the Committee on the Petition of the Inhabitants of Woodstock to join &c. Att. M. Post Clk."—which was read and it was Resolved, That M$^{r.}$ Fletcher join the Committee alluded to in the order of the house on the foregoing Bill.

A petition from the Inhabitants of Fairfax for a land Tax was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 19^{th,} 1805. Read and Referred to the Third Land Tax Committee to join &c. Attest M. Post Clk."—which was read and the reference of the house thereon concurred in.

An act directing the Treasurer of this State to pay to Timothy F. Chipman the sum therein mentioned, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 19, 1805: This Bill was brought in on Motion of M$^{r.}$ Rich, Read and Referred to the Militia Committee to join &c. Att. M. Post Clk."—which was read and the order of the house thereon concurred in.

The Petition of Roger A. Heirn was again received from the house

with this new order thereon: "In General Assembly Oct^{r} 19th 1805. Report read and recommitted to same Committee to join &c. Attest Martin Post Clk."—in which recommittment the Council concurred.

An Act establishing the Sand-Bar Turnpike Company was received from the house with this order thereon: "In General Assembly Oct^{r} 19, 1805. Read and Referred to the First Turnpike Committee to join &c. Att. M. Post Clk."—in which reference the Council concurred.

An Act assessing a Tax of Four Cents per acre on the west part of Goshen Gore adjoining Wheelock in Caledonia County was received from the house with this order on the same: "In General Assembly Oct^{r} 19th 1805. Read & Referred to the First Land Tax Committee to join &c. Attest M. Post Clk."—which was read and the reference of the house thereon concurred in.

The following Resolution was sent from the house: "In General Assembly Oct^{r} 17, 1805. Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to take all legal and necessary steps, and to use their utmost exertions, as soon as the same is practicable, to obtain an amendment to the Federal Constitution, so as to empower the Congress of the United States to pass a Law, whenever they may deem it expedient, to prevent the further importation of Slaves or people of color from any of the West India Islands, from the Coast of Africa or elsewhere, into the United States, or any part thereof. Resolved, Therefore, that the Governor be, and he is hereby requested to transmit Copies of the foregoing resolution to our Senators and Representatives in Congress, and also to the Executives of all the different States in the Union, with a request that the same may be be laid before their respective Legislatures, for their concurrence and adoption. Ordered to be sent to the Governor and Council for their Concurrence. Att. M. Post Clk"—which was read, and on motion amended by adding the following Preamble—"Whereas the Governor of this State has laid before this Assembly a Resolution of the Legislature of North Carolina, dated Dec^{r} 4th, A. D. 1804, proposing such an Amendment to the Constitution of the United States as shall authorize Congress to prevent the importation of Slaves into the United States"—which resolution was adopted and concurred in as amended, and M^{r} Niles requested to inform the house of the reasons of Council in proposing such amendment.[1]

Adjourned to 9 O'clock Monday Morning.

Monday, October 21st 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

An act explanatory of a Provision in Sundry Turnpike Grants, referred from the last Session of the Legislature, was received from the house with this order thereon: "In General Assembly Oct^{r} 19, 1805. Read and Referred to Mes^{s} E. Porter, Henry, E. Fitch, J. Rising and White to join Committee from Council. Attest Martin Post Clk"—which was read and it was Resolved, That M^{r} Loomis join the said Committee appointed by the house.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The following written message was received from the house: "In General Assembly Oct^{r} 21, 1805. Resolved, that the house concur with the Governor and Council in their Amendment pro-

[1] For the resolutions of North Carolina, see *Appendix* B.

posed to the resolution recommending an amendment to the Constitution of the United States similar to that expressed in the Resolutions communicated from the Governor of North Carolina. Extract from the Journals, Attest Martin Post Clk."

The following resolution was received from the house: "Resolved, the Governor and Council concurring herein, that both houses meet in the Representatives' Room, at the opening of the house on Tuesday morning next, for the purpose of electing a Surveyor General and Auditor of accounts against this State. In General Assembly Oct^r. 21, 1805. Read and Passed. Att. M. Post Clk."—which was read and concurred.

A remonstrance from one hundred and fifty three Inhabitants of the Town of Fairfield, against a Petition from that Town, was received from the house with this order thereon: "In General Assembly Oct^r. 21, 1805. Read and referred to the Committee on the Petition of the Inhabitants of Fairfield to join &c. Att. M. Post Clk"—which was read and the reference of the house thereon concurred in.

The Petitions of Christopher Roberts, and of Martin Roberts Administrator of John Roberts deceased, were received from the house with this order on each: "In General Assembly Oct^r. 21, 1805. Read and referred to Mes^s. Morris, Hunt and Chase to join Committee from Council. Attest Martin Post Clk"—which were severally read, and it was Resolved, That M^r. Galusha join the Committee appointed by the house on the said Petitions.

The following resolution was read, adopted and ordered to be sent to the house for their concurrence: Resolved, The House of Representatives concurring herein, that both houses meet in joint Committee, at the opening of the house on Tuesday morning next, for the purpose of electing a Brigadier General, in the First Brigade, in the Third Division of the Militia of this State, in the room of Brigadier General Joseph Cook resigned.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of one Cent per acre on the Town of Woodford," was sent to the Governor and Council for their Revision &c. and being read, it was on motion amended by erasing the words "Public Rights" in the first line of the Fourth Section and inserting the following words viz. "lands sequestered to public and pious uses," and then it was Resolved, To concur with the house in passing the same into a Law as amended, and M^r. Keyes appointed to inform the house of the reasons of Council in proposing the said amendment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act enabling Charles Miller, a subject of his Brittannic Majesty, to hold a certain parcel of lands in this State," was sent to the Governor and Council for their revision &c. read & Resolved, That it be referred to Mess^s. Witherell and Shepardson.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act authorizing the Clerk of Caledonia County to make a certain record," was sent to the Governor and Council for their revision &c. which was read, and on motion Resolved, That it be referred to M^r. Wheelock.

The Committee on the Bill Entitled "An act directing the Auditor of Accounts in his duty as to allowing accounts" &c. reported that it ought not to pass into a Law, whereupon it was Resolved, To nonconcur with the House in passing the said Bill into a Law & for the following reason viz. That the present compensation allowed by law for the support of State Prisoners and Criminals is amply sufficient. Ordered, That the Secretary acquaint the house therewith.

An Engrossed Bill, passed in the House of Representatives, Entitled

"An act in addition to an act Entitled an Act reducing into one the several acts for laying out, making, repairing and clearing Highways," was sent to the Governor and Council for their revision &c. which was read, and on motion it was Resolved, To concur with the house in passing the said Bill into a Law.

The resolution of Council, relative to the Choice of a Brigadier General in the first Brigade and Third Division of the Militia of this State, was returned from the house concurred.

An act granting to Roger A. Heirn the Privilege of Keeping a Ferry was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 21$^{st.}$ 1805. Read and Referred to the Committee on the Petition of Roger A. Heirn accompanying. Att. M. Post Clk"—which was read and the reference of the house thereon concurred in.

Adjourned to 9 O'clock Tomorrow morning.

TUESDAY, October 22^{nd,} 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council proceeded to the Representatives' Room according to adjournment, for the purpose of compleating the elections of the County Officers, and after making progress therein adjourned to ten O'clock on Thursday morning next, then to meet in the Representatives' room. The joint Committee then proceeded, according to the concurrent Resolutions of both houses, to the election of The Surveyor General, and the Ballots being counted, Joseph Beaman Esq$^{r.}$ was declared duly elected. The Election of the Auditor of Accounts against the State on motion of M$^{r.}$ Morris, was postponed untill the opening of the house on Wednesday morning of the next week. They also, in pursuance of the concurrent resolution of both houses, proceeded to the election of a Brigadier General of the First Brigade in the Third Division of the Militia of this State, in the room of Gen$^{l.}$ Jos. Cook resigned.[1] The joint Committee then dissolved, and the Governor and Council returned to their Chamber and resumed the consideration of business.

The Petition of Jonathan Danforth and Seth Ford was again received from the House with this new order thereon: "In General Assembly Oct$^{r.}$ 21, 1805. Report read, not accepted & recommitted to the former Committee, with the addition of Mes$^{s.}$ A. Robinson, Barlow & Sowles to join &c. Attest M. Post Clk."—in which recommittment the Council concurred with the addition of M$^{r.}$ Chittenden on the part of the Council to said Committee.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act granting a new trial in a certain case therein mentioned," was sent to the Governor and Council for their revision &c. read & Resolved, That it be committed to M$^{r.}$ Witherell for amendment.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax on all the lands in Parkerstown alias Medway and Parker's Gore," was sent to the Governor and Council for their revision &c. which was read and it was Resolved, To concur with the house in passing the said Bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Engrossed Bills, passed in the House of Representatives, were sent to the Governor and Council for their revision &c.—"An Act directing the Treasurer to pay Benjamin

[1] Col. Timothy F. Chipman was elected.

Emmons Junr. the sum therein mentioned," and "An act laying a Tax of Four Cents per acre on that part of Goshen Gore adjoining Wheelock," which were severally read & it was Resolved, To concur with the house in passing the said Bills into Laws.

The Committee on the Bill Entitled "An act authorising the Clerk of Caledonia County to make a Record respecting sales of land in Harris Gore, and declaring the same valid," reported that it ought to pass, whereupon it was Resolved, To concur with the house in passing the said Bill into a Law.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act in amendment of an act Entitled an act in addition to an act Entitled an Act defining the Powers of Justices of the Peace," was sent to the Governor and Council for their revision &c. read and referred to Messs. Loomis & Wright.

The officer of the house delivered the following written message: "In General Assembly Octr. 22, 1805. Resolved to concur with the Governor and Council in their proposed amendments to the Bill Entitled "An act laying a Tax of one Cent per acre on the Town of Woodford." Extract from the Journals. Att. M. Post Clk."

The Petition of the Inhabitants of Barnet and others was received from the house with this order thereon: "In General Assembly Octr. 22, 1805. Read and Referred to Messs. Lyon, Cottle and King to join Committee from Council. Attest M. Post Clk."—which was read and Mr. White appointed to join the said Committee from the house.

A Bill, referred from the last session of the Legislature, Entitled "An act in addition to an act Entitled an act for the purpose of regulating suits relative to landed property, & directing the mode of proceeding therein," was sent to the Council with this new order of the house on it: "In General Assembly Octr. 22, 1805. Read and referred to Messs. Chipman, Morris and Luce to join Committee from Council. Attest Martin Post Clk."—which was read, and Mr. Galusha appointed to join the Committee from the house on the said Bill.

Adjourned to 9 O'clock Tomorrow morning.

Wednesday, October 23rd, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent from the house: "Whereas, His Excellency the Governor of this State has transmitted to this House certain Resolutions from the State of Kentucky, which have for their object an amendment to the Constitution of the United States relative to the jurisdiction of the Courts of the United States, and Whereas, the part of that invaluable instrument, proposed to be amended, embraces many objects, which, whether retained in their present form or amended, will have effects in community by no means of an indifferent nature, and Whereas, the best possible knowledge ought to be had of existing evils, or benefits, before a single step is taken toward altering or amending a compact which will not only have important effects in the affairs of our own State, but also in those of our Sister States—Therefore Resolved, the Governor and Council concurring herein, that the further consideration of the said Resolutions be referred to the next Session of the Legislature. In General Assembly Octr. 22, 1805, Read and adopted. Att. M. Post Clk"—which Resolution was read and concurred.[1]

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[1] See *Appendix* B.

A Petition from the President and Fellows of Middlebury College was received from the house with this order thereon: "In General Assembly Oct^{r} 23, 1805. Read and Referred to Mes^{s} Baker, S. Porter, Chase, Goodwillie and Stanley to join Committee from Council. Attest M. Post Clk"—which was read and Mes^{s} Galusha and Wright appointed to join the Committee from the house on the said Petition.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act granting relief to the Company for rendering Connecticut River Navigable by Bellows Falls," was sent to the Governor and Council for their revision &c. which was read and committed to M^{r} Galusha for amendments, who reported sundry amendments to be made to the said Bill, which were adopted, and it was on motion Resolved. To concur with the house in passing the said Bill into a law as amended, and M^{r} Galusha appointed to inform the house of the reasons of Council for proposing the same.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act annexing part of the Town of Peru to the Town of M^{t} Holley" was sent to the Governor and Council for their revision &c. which was read, and it was Resolved, To concur with the house in passing the said Bill into a Law.

Adjourned to 9 O'clock Tomorrow morning.

Thursday, October 24th 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

Pursuant to adjournment the Governor and Council proceeded to the Representatives' Room for the purpose of compleating the elections of the County Officers, and, after finishing the same, the joint Committee of both houses was dissolved, and the Governor and Council returned to their chamber and adjourned to 2 O'clk P. M.

2 O'clock P. M.—A Remonstrance from the Inhabitants of Waterford against a Land Tax on said Town was received from the house with this order thereon: "In General Assembly Oct^{r} 23, 1805. Read and Referred to the First Land Tax Committee to join &c. Attest M Post Clk"—which was read and the reference of the house thereon concurred in.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act restoring John Mann Jun^{r} to his Law," was sent to the Governor and Council for their revision &c. read and amended by inserting after the word "him" in the twelfth line of the Second Page these words, "or to be left at his last and usual place of abode," and it was Resolved to concur with the house in passing the said bill into a Law as amended.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay to Joshua Beemis the sum of Twenty Dollars," was sent to the Governor and Council for their revision &c. which was read and committed to M^{r} Shepardson.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act laying a Tax of Five cents per acre on the Town of Johnson," was sent to the Governor and Council for their revision &c. which was read and amended, and it was Resolved, To concur with the house in passing the same into a Law as amended.

On Motion of M^{r} Loomis, he was excused from setting [sitting] with the Committee appointed by the house on the Petition for an Academy

at Newbury, and on the Petition from the Proprietors of Randolph Academy, and Gov^r. Brigham appointed in his room to join the Committee from the house on the s^d Petitions.

The Committee to whom was referred the Bill Entitled "An act granting a new Trial in a certain case therein mentioned," reported the following amendments, viz. After the word "Administrators" in the Fourth line of the Bill, insert these words, "and twelve days previous notice being given by the said Administrators to the said S^t. Clair, by causing a true and attested copy of this Act to be delivered to the said S^t. Clair, or left at his last and usual place of abode," and add these words to the bill, "together with the costs hereafter accruing"—which were adopted, & it was Resolved, To concur with the house in passing the said Bill into a Law with the said proposals of amendment, and M^r. Witherell appointed to inform the house of the reasons of the same.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act for the relief of Aaron Henry, Heman Henry, and Ebenezer Beach," was sent to the Governor and Council for their revision &c. which was read, amended, and it was Resolved, To concur with the house in passing the said Bill into a Law as amended, and M^r. Galusha appointed to inform the house of the reasons of Council in proposing the said amendments.

Adjourned to 9 O'clock Tomorrow morning.

Friday, October 25^th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of amendment: "An act suspending suits against Matthew Cole for the Term of Five Years; An act granting relief to Hosea Chubbuck;" and "An act directing the Treasurer of this State to credit to Alpheus Hall" &c. which Bills were severally read and considered, and it was Resolved, To concur with the house in passing them into Laws.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An act in addition to an act incorporating certain persons by the name of the Rutland and Stockbridge Turnpike Company was received from the house with this order thereon: "In General Assembly Oct^r. 25, 1805. Read and Committed to the second Turnpike Committee to join &c. Att. M. Post Clk."—which was read, and the reference of the house thereon concurred in.

The Petition for a Land Tax on Plymouth was again rec^d. from the house with this new order on the same: "In General Assembly Oct^r. 25^th, 1805. Report Read and recommitted to the former joint Committee to examine facts &c. and make report. Attest Martin Post Clk."—in which recommittment the Council concurred.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to establish a Bank" [at Windsor,] was sent to the Governor and Council for their revision &c. which was read and Ordered, That it lie on the Table.

An Eagrossed Bill, passed in the house of Representatives, Entitled "An act supplementary to the act establishing a Corporation by the name of the Northern Turnpike Company of Vermont," was sent to the Governor and Council for their revision &c. which was read and referred to Mes^s. Galusha & Keyes.

Adjourned to 9 O'clock Tomorrow morning.

SATURDAY, October 26th, 1805, 9 O'clk A. M.

The Council met pursuant to adjournment.

The following written message was transmitted from the house: "In General Assembly Octr. 25, 1805. Resolved to concur with the Governor and Council in their amendments to the Bill Entitled "An act laying a Tax of five cents per acre on the Town of Johnson for the purposes therein mentioned," and the Bill Entitled "An act restoring John Mann Junr. to his Law." Extract from the Journals, Attest Martin Post Clk."

The Committee on the Bill Entitled "An act directing the Treasurer to [pay to] Joshua Beemis the sum of Twenty Dollars," reported that it ought to pass, which was read, and it was Resolved, To concur with the house in passing the same into a Law.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act laying a Tax of Two cents per acre on all the lands in the Township of Ferrisburgh," was sent to the Governor and Council for their revision &c. which was read & on motion Resolved, To concur with the house in passing the said Bill into a Law.

The Committee on the Bill Entitled "An act enabling Charles Miller, a subject of his Brittannic Majesty, to hold a certain parcel of land in this State," reported that the same ought not to pass, whereupon it was Resolved, To nonconcur with the house in passing the said Bill into a Law, for these reasons, to wit, 1st. That by the Constitution of the United States the power of regulating the naturalization of Foreigners is vested in Congress; and that the said Miller has in no part brought himself within the provision of the law passed by Congress on that subject; two of the essential requisites of which being a residence in this or some of the United States, and taking the Oaths of Allegiance, neither of which it appears that the said Miller hath done, but that he has been and still is a subject of his Brittannic Majesty; neither does he pretend that he has an intention of becoming a Citizen of this or any of the United States. 2nd. The Council, therefore, consider it inexpedient and impolitic to confer the rights of Citizenship upon the subject of any foreign power, solely for the purpose of enabling him to take the advantage of a Statute made for the purpose of quieting the Citizens of this State in their possessions.

The Petition of William Buckminster against John Willard for a new Trial was again received from the house with this new order thereon: "In General Assembly Octr. 25, 1805. Report read, and this Petition recommitted to the Committee on new Trials to join &c. Att. M. Post Clk"—which recommittment was concurred in.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act constituting the supreme Court of Judicature," was sent to the Governor and Council for their revision &c. which was read and referred to Messrs. Loomis and Wright.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of Amendment, viz. "An Act laying a Tax of two Cents per acre on the Town of Chittenden; An Act laying a Tax of four Cents per acre on the Town of Fairfax; An Act granting to Roger A. Heirn &c. the exclusive right of keeping a Ferry &c. &c. and An act to free the body of William Wallace from arrests," which Bills were severally read and considered, and it was Resolved, To concur with the house in passing them into Laws.

The Petition of Jonathan Danforth and Seth Ford was a third time received from the house with this new order on it: "In General Assembly Octr. 25th, 1805. Report read and recommitted to the former joint

Committee. Attest M. Post Clk"—which recommittment was concurred in.

The Committee on the Bill "Supplementary to the act establishing a Corporation by the name of the Northern Turnpike Company of Vermont" reported sundry amendments to be incorporated in said Bill, which were adopted & it was Resolved, To concur with the house in passing the said Bill into a Law, with the proposals of amendment, and Mr. Galusha was appointed to inform the house of the reasons of Council.

Adjourned to 9 O'clock Monday morning.

Monday October 28th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee on the Bill Entitled "an act in amendment of an act Entitled an act in addition to an act Entitled an act defining the Powers of Justices of the Peace" &c. reported sundry amendments, which were adopted, and then it was Resolved, To concur with the house in passing said Bill into a Law with the said Proposals of Amendment, and Mr. Galusha appointed to acquaint the house with the reason of Council in proposing them.

The Bill to incorporate the Bank [at Windsor] being called up, it was moved by Mr. Niles, that the Governor and Council do nonconcur with the house in passing said Bill into a Law, which was advocated by the mover and Mr. Galusha, and opposed by the Lt. Governor and Messs. Keyes and Loomis.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act to regulate the choice of a Council of Censors," was sent to the Governor and Council for their revision &c. which was read & Resolved, To concur with the house in passing the said Bill into a Law.

Mr. Niles' motion to nonconcur in passing the Bill to incorporate a Bank being under consideration, Messs. Witherell & Niles advocated its adoption, and on the question shall the motion prevail, the yeas and nays being required by Mr. Witherell were as follows: Yeas, Mess. Galusha, Chittenden, Witherell, Spooner, Fletcher, Shepardson, Wheelock, White, Niles, and Wright. Nays, Lt. Governor Brigham, Messs. Loomis and Keyes. Yeas 10. Nays 3—so it was Resolved, To nonconcur with the house in passing the said Bill into a Law, and the following reasons adopted and ordered to be transmitted to the house for such nonconcurrence: The Governor and Council are of opinion, that as credit may be too much restricted, so it may, also, be improperly extended: and that any further extension of it, in our country, by banking operations, would be to carry it to an extent, which would be, not only useless, but hurtful to society. Credit is not less liable than money, to be misimproved, and while the misimprovement of money merely diminishes property, that of credit creates debt, and when it is employed to discharge one debt, by incurring another, nothing can commonly be gained. Those who borrow, for the purpose of discharging debts, allready contracted, without some fair prospect of exoneration, will, probably, be still less provident, when encouraged to believe, they may make further loans to repay the present. In this way, every Banking operation, in our Country, in its present condition, seems rather, than any thing else, a vicious substitute for that industry and economy, which constitute the best portion of our means of livelihood, general ease and

affluence. The Governor and Council are further of opinion, that sudden changes, in the quantity of circulating medium, are not less fatal to general prosperity, than all such changes in the atmosphere to the comfort and health of mankind. They operate, powerfully, to shift property from hand to hand without at all augmenting the general wealth of a country. Banking establishments, to say the least, possess, in a very high degree, the very dangerous power, of producing such changes, in the circulation of the pecuniary medium of commerce. The Governor and Council are unwilling to augment this power, by any additions to the number of Banks, allready in operation. Neither are they willing, by overloading the system, to increase those means, by which it may ultimately sink, and, in that case, necessarily draw after it, the unavoidable ruin of multitudes.[1]

The following Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of amendment, viz. "An act laying a Tax of three cents per acre on the Town of Jay; An act confirming the Titles of Lands in the Town of Marshfield,"[2] and "An act to legalize the proceedings of Aaron Knapp," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Treasurers therein mentioned to credit certain sums to the Town of Newbury," was sent to the Governor and Council for their revision &c. which was read, and on motion referred to Mr. Shepardson.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled An act laying a Tax of three Cents per acre on the Town of Northfield passed Octr. 29th, 1804," was sent to the Governor and Council for their revision &c. which was read and committed to Mr. Witherell.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act laying a Tax of Two Cents, on each acre, public rights excepted, in the Town of Stratton," was sent to the Governor and Council for their revision &c. which was read and referred to Mr. Loomis.

The following Engrossed Bills, passed in the House of Representatives, were sent to the Governor and Council for revision &c.—"An act laying a Tax of one cent and five mills per acre on Enosburgh Gore in the County of Franklin," and "An act for the partition of certain of the real estate whereof John Innes Clark and Joseph Nightingale were possessed"—which were severally read, and it was Resolved, To concur with the house in passing them into Laws.

Adjourned to 9 O'clock Tomorrow morning.

Tuesday October 29th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concur-

[1] As it is apparent that Nathaniel Niles took the lead in opposition to banks, it may be reasonably presumed that he was the author of this argument. See Vol. IV, p. 390.

[2] This act embraces the deed of the Indians to Isaac Marsh, which deed conveyed the township in consideration of one hundred and forty pounds lawful money.—See *Laws of Vermont*, 1805, p. 84.

rence or proposals of amendment, viz. "An act incorporating and establishing an Academy in Rutland; An act confirming a Grammar School in the County of Rutland; An act laying a Tax of Two Cents per acre on the Town of Starksborough; An act directing the Treasurer to pay Frederick Richardson the sum therein mentioned; An act directing the Treasurer of the State to credit the Town of Mt. Holley the sum therein mentioned; An act altering the Stage or Post road leading from Vergennes to Rutland" &c. and "An act directing the Treasurer of the State to credit the Town of Guilford the sum therein mentioned," which were severally read, and it was Resolved, To concur with the house in passing each of said Bills into Laws.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled An act incorporating certain persons therein named by the name of the Rutland and Stockbridge Turnpike Company," was sent to the Governor and Council for their revision &c. which was read, sundry amendments made thereto, and then it was Resolved, To concur with the house in the passing the same into a Law, with the said proposals of Amendment, and Mr. Keyes requested to inform the house of the reasons of Council in proposing those amendments.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act pointing out the method of establishing the lands divided into severalty in the town of Newhaven," was sent to the Governor and Council for their revision &c. which was read and amended by inserting the word "Nine" in the Sixth line of the bill, in lieu of the word "Six," & then it was Resolved, To concur with the house in passing the same into a Law as amended.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act regulating the packing and sale of Lime," was sent to the Governor and Council for their revision &c. which was read and referred to Mr. Loomis.

The Committee on the Bill Entitled "An act in addition to an act Entitled An act laying a Tax of Three Cents per acre on the Town of Northfield," reported sundry amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, and Mr. Witherell appointed to inform the house of the reasons of Council in proposing the said amendments.

The Committee of Council on the Bill Entitled "An act directing the Treasurers therein mentioned to credit certain sums to the Town of Newbury," reported that it ought to pass, whereupon it was Resolved, To concur with the house in passing said bill into a Law.

An act to revive an Act laying a Tax of one and a half cent on each acre of Land in Middlesex, was received from the house with this order thereon: "In General Assembly Oct. 29th, 1805. This Bill was brought in on motion of leave by Mr. Putnam, read and Committed to the First Land Tax Committee to join &c. Attest Martin Post Clk"—which was read and the said reference concurred in.

A Petition for a Land Tax on Random [Brighton,] Newark, Easthaven, Granby and Guildhall, was received from the house with this order on it: "In General Assembly Oct. 29, 1805, Read and Referred to the Third Land Tax Committee to join &c. Attest M. Post Clk"—which was read and the said reference concurred in.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act directing the payment of monies as therein men-

tioned; An act making provision where any Collector of a Proprietor's or State's Land Tax may die; An act laying a Tax of one cent on the Dollar on the General list of the present year" [for support of government,] and "An act for the relief of Ebenezer Weld and John Weld," which were severally read, and it was Resolved, To concur with the house in passing them into Laws.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to revive an act laying a Tax on each acre of Land in the Town of Greensboro'," was sent to the Governor and Council for their revision &c. which was read & referred to Mr. Galusha.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act freeing the body of John H. Palmer from arrest," was sent to the Governor and Council for their revision &c. and being read it was Resolved, To concur with the house in passing the said Bill into a Law.

The following written message was received from the house: "In General Assembly Oct^r. 28^th. 1805. Resolved, that this house do concur with the Governor and Council in their proposed amendment to the Bill Entitled "an act in amendment of an Act Entitled an act in addition to an act Entitled an act defining the powers of Justices of the Peace." &c. Extract from the Journals, Attest M. Post Clk."

An act laying a Tax of Three Cents per acre on the Town of Woolcott" [Wolcott,] and "an act laying a Tax of Three Cents per acre on the Town of Cambridge," were received from the house with this order on each: "In General Assembly Oct^r. 29, 1805. Read and referred to the Third Land Tax Committee to join &c. Attest M. Post Clk"—which were severally read and the said reference concurred in.

Adjourned to 9 O'clock Tomorrow morning.

Wednesday, October 30^th. 1805, 9 O'clock A. M.

The Council met agreeable to adjournment.

The Governor and Council, pursuant to adjournment, proceeded to the Representatives' room for the purpose of electing an Auditor of accounts against the State,[1] and after accomplishing the same, returned to their Chamber and resumed the consideration of business.

The following Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act laying a Tax of four cents per acre on the Town of Lemington," and "An act for the relief of Josiah Jaquith the 2^nd," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

The following Message was transmitted from the house: "In General Assembly Oct^r. 29^th. 1805. Resolved, that this house do concur with the Governor and Council in their amendment to the Bill Entitled "An act pointing out the method of establishing the lands divided into severalty" &c.; And also in the amendment proposed to the Bill Entitled "an act in addition to an act incorporating certain persons therein named by the name of the Rutland and Stockbridge Turnpike Company." Extract from the Journals, Att. Martin Post Clk."

An act laying a Tax of Three Cents per acre on the Town of Walden was received from the house with this order thereon: "In General Assembly Oct^r. 30^th. 1805. This Bill was brot. in on leave by Mr. Stanley, read and referred to the Third Land Tax Committee to join. Attest

[1] Benjamin Emmons jr. was elected.

Martin Post Clk."—which was read and the reference thereon concurred in.

The Committee on the Bill Entitled "An act in addition to an act Entitled an act constituting the Supreme Court of Judicature" &c. reported sundry amendments, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law with the said proposals of amendment, and Mr. Galusha appointed to acquaint the house therewith & assign the reasons.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act empowering the Proprietors of Lutterloch to resurvey their first division of lots," was sent to the Governor and Council for their revision &c. read and referred to Mr. Wright.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to enable the Selectmen of the several Towns in this State to lay out private Roads," was sent to the Governor and Council for their revision &c. which was read and referred to Mr. Fletcher.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act laying a Tax of three Cents per acre on the Town of Faystown," was sent to the Governor and Council for their revision &c. which was read and on motion Resolved, To concur with the house in passing the said Bill into a Law.

The Committee on the Bill Entitled "An act to revive an act laying a Land Tax on Greensboro'," reported an amendment to be made therein, which was adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, with the said Proposal of amendment, and Mr. Galusha appointed to acquaint the house therewith, assign the reasons for the same and request their concurrence.

The Committee on the Bill Entitled "An act in addition to an act Entitled an act laying a Tax on each acre of land, Public rights excepted, in the Town of Stratton," &c. reported sundry amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, with the said Proposals of amendment, and Mr. Loomis appointed to acquaint the house therewith & assign the reasons of Council.

An act directing the Treasurer of this State to credit the Town of Derby the sum therein mentioned, was received from the house with this order thereon: "In General Assembly Octr. 30, 1805. This Bill was brought in on motion of leave by Mr. Hinman, read and referred to the Committee on State Taxes to join &c. Att. M. Post Clk"—which was read. and the said reference thereon concurred in.

A Petition from the Inhabitants of Wardsboro' was received from the house with these orders thereon: "In General Assembly Octr. 17, 1805. Read and Referred to Mess. Hutchins, Kenneday [Kennedy,] Scott, Sowles & Taylor. Octr. 25, report read and recommitted to the same Committee. Octr. 30, Ordered, that the Committee on this Petition join Committee from Council. Attest M. Post Clk"—which was read, and Ordered, That Mr. Shepardson join the said Committee from the house.

On Motion of Mr. Keyes, he had leave to bring in a bill to repeal the Fifth Section of an act in addition to an act incorporating certain persons therein named by the name of the Rutland and Stockbridge Turnpike Company, passed Octr. 29th, 1805, which Section gives to the Legislature the right, at the end of fifty-five years, to lessen the Toll on sd Turnpike, which Bill was accordingly introduced, read and Ordered, That it lie on the Table.

The Committee on the Bill Entitled "An act regulating the packing

and sale of lime," reported sundry amendments, which the Council rejected, and it was on motion Resolved, To concur with the house in passing the said Bill into a Law.

Adjourned to 9 O'clock Tomorrow Morning.

DANVILLE, Thursday, October 31st, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition from Joseph C. Bradley was sent from the house with these orders thereon: "In General Assembly Oct^r. 15th, 1805: Read and referred to Mess^s. Reed, Tubbs and J. Fitch. Oct^r. 29th, Report read and recommitted to former Committee to state facts and make report and Mess^s. Hurd and Henry added to the Committee. Oct^r. 30th, Ordered that the Committee on this Petition join a Committee from Council. Attest Martin Post Clk"—which was read and M^r. Witherell appointed to join the aforesaid Committee from the house on said Petition.

An Engrossed Bill, passed in the House of Representatives, Entitled "An act supplementary to an act Incorporating certain persons therein mentioned by the name of the Weathersfield Turnpike Company," was sent to the Governor and Council for their revision &c. which was read, and on motion Resolved, To concur with the house in passing the said Bill into a Law.

Benjamin Swan Esquire appeared in the Council Chamber, produced his Bonds for the faithful execution of the Office of Treasurer of the State of Vermont for the year ensuing, which were approved by the Governor and Council, and the Oaths prescribed by the Constitution and Laws of this State were administered to him by his Honor the L^t. Governor.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act laying a Tax of four cents on the acre in the town of Glover," and "An act laying a Tax of three Cents per acre on the Town of St. Albans," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

The Committee on the Bill Entitled "An act impowering the Selectmen of the several Towns in this State to lay out private Roads &c." reported that it ought to pass without amendment, which report was not accepted, and on motion it was Resolved, To nonconcur with the house in passing the said Bill into a Law, and for the following reasons —It appears to the Governor and Council that the several acts already existing make ample provision on that subject, particularly the act reducing into one the several acts for laying out, making, repairing and clearing highways, and an act in addition to the said act, passed Nov^r. 7, 1800. And whatever the proposed Bill embraces, more than the several acts alluded to provide for, the Governor and Council are of opinion is unnecessary.

An act to repeal the clause of an act therein mentioned was again read, and referred to Mess^s. Witherell, Keyes & White.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act laying a Tax of Three Cents per acre on the town of Ryegate," and "An act laying a Tax of Three Cents per acre on Coventry," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

An Engrossed Bill, passed in the house of Representatives, Entitled "an act to authenticate certain records of the Town of Burke," was sent to the Governor and Council for their revision &c. which was read and on motion referred to Mr. Loomis.

The Committee on the Bill Entitled "An act empowering the Proprietors of Lutterloch [Albany] to resurvey their first division of lots," reported that it ought to pass, whereupon it was Resolved, To concur with the house in passing the said Bill into a Law.

The Committee on the "act to repeal the clause of an act therein mentioned," reported an amendment to be made therein, which was rejected, and on the motion shall the said bill pass and be sent to the house for their concurrence, it was Resolved, That it do not pass, and on motion Mr. Keyes had leave to withdraw the said Bill.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to incorporate a Bank" [at Burlington] was sent to the Governor and Council for their revision &c. which was read, and on motion Resolved, To nonconcur with the house in passing the said Bill into a Law, and for the same reasons which were assigned for the nonconcurrence of the Governor and Council to the Bill to incorporate a Bank the 28th Instant.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled An act to incorporate the Proprietors of an Acqueduct in Middlebury," was sent to the Governor and Council for their revision &c. and being read and considered, it was Resolved, To concur with the house in passing the said Bill into a Law.

An act incorporating certain Turnpike Companies in the western Counties in this State was received from the house with these orders thereon: "In General Assembly Oct. 29th, 1805. This Bill reported by the First Turnpike Committee, the report was accepted, and the Bill read and ordered to lie on the Table & be the order of the day tomorrow afternoon. Oct. 31, called up, amended, and Committed to the First Turnpike Committee to join &c. Att. M. Post Clk."—which order of the house on the said Bill was concurred in.

Mr. Keyes on motion brought in a Bill Entitled "An act exempting the Towns of this State from the payment of State Taxes in a certain case therein mentioned," which was read & Ordered, That it lie on the Table.

Mr. Keyes asked and obtained leave of absence after tomorrow for the remainder of the Session.

Adjourned to 9 O'clk Tomorrow morning.

Friday November 1st, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act laying a Tax of Three Cents per acre on the Town of Plymouth," was sent to the Governor and Council for revision &c. which was read & Resolved to concur with the house in passing the said Bill into a Law.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a Corporation by the name of the Boston and Montreal Turnpike Company," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, To lie on the Table.

"An act laying a Tax of Three Cents per acre on the town of Granby" was received from the house with this order thereon: "In General As-

sembly Nov. 1, 1805. Read and Committed to the Third Land Tax Committee to join &c. Att. M. Post Clk"—which was read, and the said reference concurred in.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee on the Bill Entitled "An act to authenticate certain records of the Town of Burke," reported sundry amendments to be made therein, which were rejected, and on motion it was Resolved, To concur with the house in passing the said [bill] into a Law.

The Lt. Governor on motion introduced the following resolution: "Resolved, That his Excellency the Governor be requested to issue his Proclamation appointing Wednesday the Sixteenth day of April next as a day of Public humiliation, fasting and praise throughout this State"—which was read & adopted.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act appointing a Committee to lay out a Road from Barre to Walden," was sent to the Governor and Council for their revision &c. and being read, it was on motion Resolved, To concur with the house in passing the said Bill into a Law.

"An act exempting the Towns of this State from the Payment of State Taxes in a certain case therein mentioned" was again read, and on the question shall the Bill pass and be sent to the house for their concurrence, it passed in the negative.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to free the person of David Robbins from arrest for the term of three years," was sent to the Governor and Council for their revision &c. which was read, and on motion Resolved, To concur with the house in passing the same into a Law.

Adjourned to 9 O'clock Tomorrow morning.

Danville, Saturday, November 2nd, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house: "In General Assembly Nov. 1, 1805. Resolved, the Governor and Council concurring therein, that both houses of the Legislature meet in joint Committee, in the Representatives' room, at the opening of the house tomorrow morning, for the purpose of making further appointments of County Officers. Read and Passed, Attest M. Post Clk"—which was read and concurred.

The Governor and Council accordingly immediately proceeded to the Representatives' room for the purpose expressed in the above resolution, and the business of the joint Committee being accomplished, it was dissolved, and the Governor and Council returned to their chamber and resumed the consideration of business.

The Petition of Stephen Fisk, on which Mr. Keyes had formerly joined a Committee from the house, was laid on the Table of Council, and Mr. Shepardson appointed to join the said Committee from the house on said Petition.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act granting the exclusive privilege of keeping a ferry to Richard Mott and Ira Fox; An act laying a Tax of Three Cents per acre on the Town of Cambridge; An act laying a Tax of Three Cents per acre on the Town of Walden," and "An act laying a Tax of Three Cents per acre on the Town of Wolcott," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

"An act granting a Tax of one half cent per acre on the Lands in the Township of Alburgh, as granted by Charter," was received from the house with this order thereon: "In General Assembly Nov. 2, 1805. This Bill was brought in on motion of leave by Mr. Shaw, read and Committed to the Second Land Tax Committee to join &c. Attest Martin Post Clk."—which was read and the said reference concurred in.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act organizing the County of Grand Isle, and fixing the time of holding the Courts therein," was sent to the Governor and Council for their revision &c. and being read, it was Resolved, To concur with the house in passing the said Bill into a Law.

The following written message was transmitted from the house: "In General Assembly Nov. 2, 1805. Resolved to concur with the Governor and Council in their amendments to the Bill Entitled "An act in addition to an act constituting the Supreme Court of Judicature" &c. And the Bill has become a Law of this State. Extract from the Journals, Att. M. Post Clk."

An act establishing a State Bank was again received from the house with these orders &c. thereon: "In General Assembly Nov. 2, 1805. Report of the joint Committee as follows accepted—To the Hon^l. Gen^l. Assembly now sitting. The Committee to whom was referred the within Bill, report it as their opinion, that altho' the Bill seems to be totally inadequate to the object proposed, it is nevertheless expedient, that the General Assembly should go into such a consideration of the subject as shall lead to a thorough investigation of its principles, practicability and Policy. N. Niles for Com^e.—and the Bill and report committed to Mes^s. White, Crafts, Chase, S. Porter and Bullock, to join Committee from Council to draught a new Bill. Attest M. Post Clk." —which Bill, report, and orders of the house thereon being read, it was Ordered, that M^r. Niles and the L^t. Governor join the said Committee from the house.

On motion, Resolved, That Mes^s. Wheelock and Shepardson be a Committee from Council, to join such Committee as the house of Representatives may appoint, to receive and distribute the Election Sermons, and Proclamations for a day of Thanksgiving and Praise. Ordered, That the Secretary carry the above resolution to the house.

Adjourned to 9 O'clock Monday Morning.

Danville, Monday, November 4^th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of amendment: "An act assessing a Tax on the County of Chittenden; An act directing the appropriation of the Lands in this State heretofore granted by the Government of Great Britain to the Church of England as by Law established; An act laying a Tax of Two Cents per acre on the Town of Barnet; An act laying a Tax of Four Cents per acre on the town of Wenlock;" and "An act to extend the qualifications of Freeholders to Lessees for long terms of years," which Bills were severally read, and it was Resolved, To concur with the house in passing each of them into Laws.

An Engrossed Bill, passed in the house of Representatives. Entitled "An act to incorporate an Artillery Company by the name of the Bur-

lington Volunteers," was sent to the Governor and Council for their revision and Concurrence or proposals of amendment, which was read and Referred to Mes^{s}. Witherell & Shepardson.

A Petition from the Colonels Forbes and Hodgkins, representing the situation of the First Brigade in the Fourth Division, otherways the Seventh Brigade of our Militia, was introduced by the Governor, read, and Referred to the Militia Committee to join from the house.

The act Establishing a Corporation, by the name of the Boston and Montreal Turnpike Company, was again read and on motion Ordered, That it be referred to Mess^{s}. Galusha and Loomis.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following written message was transmitted from the house: "In General Assembly Nov. 4th, 1805. Resolved, that this house do concur with the Governor and Council in their amendments to the Bill Entitled "An act to revive an act laying a Land Tax on Greensboro'," the Bill Entitled "An act in addition to an act laying a Tax of Two Cents per acre on each acre of land in the Town of Stratton," and the Bill Entitled "An act in addition to an act laying a Tax of Three Cents per acre on the Town of Northfield," &c. Extract from the Journals. Attest M. Post Clk."

The following Resolution was received from the house: "In General Assembly Nov. 4th, 1805. Resolved, the Governor and Council concurring herein, that both houses of the Legislature meet in the Representatives' Room, on Thursday next at two o'clock P. M. for the purpose of adjourning the General Assembly without day. Read and Adopted. Attest M. Post Clk"—which was read, and Ordered to lie on the Table.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act for explaining and altering the Laws concerning the Prosecution of crimes in this State," was sent to the Governor and Council for their revision &c. and being read it was Ordered, That it be committed to Gov. Brigham & M^{r}. Galusha.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in explanation of an act regulating Marriage and Divorce," was sent to the Governor and Council for their revision &c. which was read and referred to Mes^{s}. Niles & Witherell.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act establishing a Corporation by the name of the Williamstown Centre Turnpike Company," was sent to the Governor and Council for revision &c. & being read it was Resolved, To concur with the house in passing the said Bill into a Law.

The Committee on the act establishing a Corporation by the name of the Boston and Montreal Turnpike Company, reported sundry amendments thereto, which were adopted, and it was Resolved, To concur with the house in passing the said Bill into a Law, and M^{r}. Galusha appointed to acquaint the house therewith, inform them of the reasons of Council in proposing the said amendments and request their concurrence thereto.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act directing the credit of fourteen Dollars and Seventy Cents to be given to the Town of Groton," and "An act to revive an act Entitled an act laying a Tax of one and a half Cent on each acre of land in Middlesex," which Bills were severally read, and it was Resolved, To concur with the house in passing them into Laws.

An act to revive an act laying a Land Tax on Random [Brighton,] and to alter the appointment of the Committee, was sent from the house with this new order thereon: "In General Assembly Nov. 4th, 1805.

Read and Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk"—which was read and the said reference concurred in.

Adjourned to 9 O'clock Tomorrow Morning.

TUESDAY, November 5th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act directing the Treasurer of the State to credit the Town of Barre the sum therein mentioned," and "An act authorising the Proprietors of the Town of Panton to confirm and complete the division of their Lands," which were severally read, and it was on motion Resolved, To concur with the house in passing the said Bills into Laws.

An Engrossed Bill, passed in the house of Representatives. Entitled "An act appointing a Committee to lay out and survey a County Road from the Court House in Danville to or near the mouth of Weld's [Wells] River," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, That it be referred to Messrs. Witherell, Niles and White.

The Committee on the act for altering and explaining the Laws concerning the prosecution of Crimes in this State, reported sundry amendments to the said Bill, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, as amended, and Mr. Witherell appointed to acquaint the House with the reasons of Council in proposing the same.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act restoring Ezekiel K. Bigelow to his Law," was sent to the Governor and Council for their revision &c. and being read, it was on motion amended, and then it was Resolved, To concur with the house in passing the same into a Law, with the amendments, and Mr. Wright appointed to acquaint the house with the reasons of Council in proposing the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act regulating the conveyance of real estates, and for the prevention of Frauds therein," was sent to the Governor and Council for their revision &c. which was read and on motion Resolved, To nonconcur with the house in passing the said Bill into a Law, and an act embracing the same object, tho' in a different form. Entitled "An act to authenticate the acknowledgment of Deeds in a certain case therein mentioned," was introduced, read and passed, and Ordered to be sent to the house for their concurrence, and Mr. Witherell appointed to carry both of the said Bills to the house and acquaint that body with the reasons that induced the Council to propose the said substitute.

The Committee on the Bill Entitled "An act in addition to and in explanation of an act regulating Marriage and Divorce," reported these amendments to be made thereto—The title of the Bill to be "An act empowering the Supreme Court to grant Bills of Divorce, and repealing certain acts therein mentioned." In the Fifth Section, after the word "That" in the first line, erase the whole Section and add the following, "the several acts heretofore passed, vesting a power in the Supreme Court to grant Bills of Divorce and regulating proceeding therein, be and the same hereby are repealed,"—which was adopted, and then Re-

solved, To concur with the house in passing the said Bill into a Law as amended, and Ordered, that the Secretary acquaint the house therewith.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Auditor of Accounts against this State to audit and allow the accounts of Richard Whitney Esquire, late Secretary to the Governor and Council," was sent to the Governor and Council for their revision &c. and being read, it was Resolved, To concur with the house in passing the said Bill into a Law.

The Committee on the Bill Entitled "An act appointing a Committee to lay out and survey a County Road from the Court House in Danville to or near the mouth of Weld's [Wells] River," reported that it ought to be referred to the next session of the Legislature, whereupon it was Resolved, That the said Bill be referred accordingly, and Mr. Chittenden appointed to inform the house of the reasons of Council in proposing the said reference and request their concurrence.

"An act in addition to and explanation of an act regulating Marriage and Divorce," to which the Council had this day made certain proposals of amendment, was returned from the house by Mr. Chase with this order of that Body thereon: "In General Assembly Nov. 5, 1805. Read and Resolved to nonconcur with the Governor and Council in their amendments proposed to this Bill, and Mr. Chase appointed a Committee to carry up the Bill to the Governor and Council and assign the reasons of the house. Attest Martin Post Clk"—and after he had assigned the reasons, he withdrew—whereupon it was Resolved, To rescind from the said proposals of Amendment, in which the house have nonconcurred, and that this amendment be proposed to be added to the said Bill: after the word "Seven," in the Sixth line of the Fifth Section, insert these words "and the First Section of an act in addition to an act Entitled an act regulating Marriage and Divorce, passed Nov. 12th, 1802," and alter the title of the Bill so as to read "An act to empower the Judges of the Supreme Court to grant Bills of Divorce, and to repeal parts of certain acts therein mentioned," and Mr. Loomis was appointed to inform the house of the reasons of Council in proposing the same.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act explanatory of a provision in sundry Turnpike grants," was sent to the Governor and Council for their revision &c. which was read, and Ordered, That it be referred to Messrs. Niles, Wright and Galusha for amendment.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to incorporate an Artillery Company in Whitingham," was sent to the Governor and Council for their revision &c. which was read and Ordered, That it be referred to Mr. Shepardson.

Adjourned to 9 O'clock Tomorrow Morning.

Wednesday, November 6th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion of Mr. Witherell, Resolved, To reconsider the order of Council referring the Bill Entitled "An Act appointing a Committee to lay out and survey a County Road from the Court-house in Danville to or near the mouth of Weld's [Wells] River," and that it be recommitted to the Committee heretofore appointed by the Council on the said act.

An Engrossed Bill, passed in the house of Representatives, Entitled "An Act concerning Bail," was sent to the Governor and Council for their revision &c. and being read it was Ordered, That it be referred to Messrs. Galusha and Loomis.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act granting the right of making and keeping a Turnpike Road from the lower Bridge over Onion River in Colchester to the Ferry from Middle-hero [Grand Isle] to Cumberland-head," was sent to the Governor and Council for revision &c. read and Ordered, That it be referred to Mr. White.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act laying a Tax of Four Cents per acre on Coit's Gore; An act directing the Treasurer of this State to credit the Town of Derby the sum therein mentioned; An act granting to Daniel Calkins the sum therein mentioned; An act in addition to an act Entitled An act laying a Tax of Three Cents per acre on the Town of Ripton" &c. and "An act constituting and appointing a Company of Grenadeers," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act incorporating certain Turnpike Companies in the western Counties in this State," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, That it be referred to Messrs. Wright, Galusha and White.

The following written messages were transmitted from the house: "In General Assembly Nov. 5th, 1805, Resolved to concur with the Governor and Council in their amendments to the Bill Entitled "An act establishing a Corporation by the name of the Boston and Montreal Turnpike Company," and the Bill Entitled "An act restoring Ezekiel K. Bigelow to his Law." Extract from the Journals, Attest M. Post Clk." In General Assembly Nov. 6, 1805. Resolved to concur with the Governor and Council in passing the Bill Entitled "An act to authenticate the acknowledgment of Deeds in a certain case therein mentioned," and also Resolved to concur with the Governor and Council in their proposed amendments to the Bill Entitled "An act explaining the Laws for the prosecution of crimes in this State." Extract from the Journals, Attest M. Post Clk."

The Committee on the Bill Entitled "An act to incorporate an Artillery Company by the name of the Burlington Volunteers," reported sundry amendments to be made therein, which were adopted, and it was Resolved, To concur with the house in passing the said Bill into a Law as amended, and Mr. Witherell appointed to inform the house of the reasons of Council in proposed [proposing] the said amendments.

His Excellency the Governor made the following Communication to the Council—

"Gentlemen of the Council,—I find from the Commissions heretofore issued to the officers in the Brigade commanded by General Fuller, that this Brigade was distinguished as the eighth Brigade, and also from the Commissions issued to the officers in the Brigade Commanded by General Leavensworth, that this Brigade was distinguished as the Seventh Brigade, that there are no documents in the Adjutant General's Office, nor any uniform rule for numbering and distinguishing the different Brigades of Militia in this State. I do therefore order and direct, the Honorable Council advising me thereto, that the several Brigades of Militia already formed, and which may hereafter be formed, shall be distinguished by the First, Second, or Third Brigade, as the case may be, of the Divisions to which they are attached.

ISAAC TICHENOR *Governor, State of Vt.*"

"Danville, Nov. 6, 1805."

Which was read, and on motion Resolved, That the Council advise his Excellency to make the regulations in numbering the Brigades of Militia in this State as is suggested in his communication.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act relating to Goals and Goalers, and for the relief of persons imprisoned therein," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, That it be referred to Mr. Witherell.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Three Cents per acre on the Town of Easthaven," was sent to the Governor and Council for their revision &c and after being read, it was Resolved, To concur with the house in passing the said Bill into a Law.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act incorporating the Passumpsic Turnpike Company," and also "An act establishing a Corporation by the name of the Woodstock and Rutland Turnpike Company," were sent to the Governor and Council for their revision &c. read, and Ordered, That they be referred to Messrs. Niles and Loomis.

The Committee on the Bill Entitled "an act incorporating certain Turnpike Companies in the Western Counties of this State," reported sundry amendments to be made therein, which were adopted, and on Motion it was Resolved, To concur with the house in passing the said Bill into a Law as amended, and Mr. Galusha appointed to inform the house of the reasons of Council in proposing the said amendments.

The Committee on the Bill Entitled "An act granting the right of making and keeping a Turnpike Road from the lower bridge over Onion River in Colchester to the Ferry from Middle-Hero to Cumberland head," reported sundry amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law as amended, and Mr. Loomis appointed to inform the house of the reasons of Council in proposing the said amendments.

Adjourned to 9 O'clock Tomorrow morning.

Thursday, Nov. 7th, 1805, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Resolution from the house for adjourning both houses was again read, and on motion amended by inserting "Friday at 11 O'clock in the forenoon," and erasing "Thursday next at 2 O'clock in the afternoon," and Resolved, To concur with the house therein as amended.

The Committee on the Bill Entitled "An act concerning Bail," reported sundry amendments to be made therein, which were adopted, & Resolved, To concur with the house in passing the same into a Law as amended, and Mr. Galusha appointed to acquaint the house with the reasons of Council in proposing the said amendments.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision &c. "An act laying a Tax of Three Cents per acre on the Town of Newark for the purposes therein mentioned; An act laying a Tax of Five Mills on the Dollar on the list of the Polls and Rateable Estate of the Inhabitants of the County of Franklin &c.; An act laying a Tax of Three Cents per acre on the Town of Brunswick, and An act relating to State

Printing," which were severally read, and it was Resolved, To concur with the house in passing each of them into Laws.

The Committee on the Bill Entitled "An Act establishing a Corporation by the name of the Woodstock and Rutland Turnpike Company," reported several amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the same into a Law as amended, and Mr. Loomis appointed to inform the house with the reasons of Council in proposing the said amendments.

"An act in explanation of an act laying a Tax on Wenlock," was received from the house with this order thereon: "In General Assembly Nov. 6th, 1805. This Bill was brought in by Mr. French, read and referred to the First Land Tax Committee to join &c. Att. M. Post Clk" —which was read and the reference of the house concurred in.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a Corporation by the name of the Missisquoi Turnpike Company," was sent to the Governor and Council for their revision &c. which was read, and on motion Ordered, That it be referred to Mr. Loomis.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a Corporation by the name of the Mad River Turnpike Company," was sent to the Governor and Council for their revision &c. which was read, and on motion Ordered, That it be referred to Mr. Galusha.

The Committee on the Bill Entitled "An act incorporating the Passumpsic Turnpike Company." reported several amendments to be made therein, which were adopted, and on motion Resolved, To concur with the house in passing the same into a Law, as amended, and Mr. Loomis appointed to inform the house of the reasons of Council in proposing the said amendments.

The Committee, to whom was recommitted the Bill Entitled "An act appointing a Committee to lay out and survey a County Road from the Court-house in Danville to or near the mouth of Weld's [Wells] River," reported that it ought to be referred to the next session of the Legislature, whereupon it was Resolved, The house of representatives concurring therein, that the said Bill be referred to the next Session of the Legislature, and Mr. Chittenden appointed to inform the house of the reasons which induced the Council to propose the said reference.

The Committee on the Bill Entitled "An act to incorporate an Artillery Company in Whitingham," reported sundry amendments to be made therein, which were adopted, & then it was Resolved, To concur with the house in passing the said Bill into a Law, as amended, and Mr. Shepardson appointed to inform the house of the reasons of Council in proposing the said Amendments.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing the permanent seat of the Legislature at Montpelier," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, That it be referred to Mess. Niles and White.

The Committee on the Bill Entitled "an act incorporating the Missisquoi Turnpike Company," reported sundry amendments to be made to the said act, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, as amended, and Mr. Loomis appointed to inform the house of the reasons of Council in proposing those amendments.

The Debenture of Council for the present Session was read by the Secretary, approved, and Ordered, That it be entered on the Journals—viz.

	Travel.	Amount of Travel.	Days of Attendance.	Amount of Attendance.	Whole Amount.
					$ Cts.
His Hon. Paul Brigham Lt. Governor	60	$7 20	30	$120 00	127 20
The Honble Jonas Galusha	163	19 56	30	45 "	64 56
" Beriah Loomis	52	6 24	30	45 "	51 24
" Noah Chittenden	60	7 20	30	45 "	52 20
" James Witherell	120	14 40	30	45 "	59 40
" Eliakim Spooner	112	13 44	30	45 "	58 44
" Asaph Fletcher	98	11 76	30	45 "	56 76
" Samuel Shepardson	140	16 80	30	45 "	61 80
" Ebenezer Wheelock	100	12	30	45 "	57
" John White	70	8 40	30	45 "	53 40
" Nathaniel Niles	40	4 80	30	45 "	49 80
" Elias Keyes	70	8 40	23	34 50	42 90
" Josiah Wright	180	21 60	30	45 00	66 60
" Samuel Safford	170	20 40	2	3 "	23 40
William Page Junr. Secretary	70	8 40	30	75 "	83 40
David Elkins Esqr. Sheriff of Caledonia Cy.	6	72	30	45 "	45 72
					$953 82

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a Corporation by the name of the Randolph Turnpike Company," was sent to the Governor and Council for their revision &c. and being read, it was Ordered, That it be referred to Messrs. Loomis and Galusha.

The Committee on the Bill Entitled "An act establishing a Corporation by the name of the Mad River Turnpike Company," reported sundry amendments to be made thereto, which were adopted, and then it was Resolved, To concur with the house in passing said Bill into a Law, as amended, and Mr. Galusha appointed to inform the house of the reasons of Council in proposing the said amendments.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act to supply the defect of a certain record," was sent the Governor and Council for their revision &c. read and Ordered, That it be referred to Messrs. Galusha and Loomis.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition &c. to the act regulating and governing the Militia of this State," was sent to the Governor and Council for their revision &c. which was read, amended, & then it was Resolved, To concur with the house in passing said Bill into a Law, as amended, and Mr. Witherell appointed to inform the house of the reasons of Council in proposing the said amendments.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to suspend Prosecution against Josiah Edson," was sent to the Governor and Council for their revision &c. and after being read, it was Resolved, To concur with the house in passing said Bill into a Law.

The Committee on the Bill Entitled "An act explanatory of a Provision in sundry Turnpike Grants," reported sundry amendments to be made therein, which were rejected, and then it was Resolved, To nonconcur with the house in passing the same into a Law.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act supplementary to the act establishing a Corporation by the

name of the Caledonia Turnpike Company," was sent to the Governor and Council for their revision &c. which was read, amended, and then it was Resolved, To concur with the house in passing the same into a Law, as amended.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a County Grammar School in the Town of Guildhall in the County of Essex," was sent to the Governor and Council for their revision &c. read, amended by erasing the word "forever" in the 4th line of the 4th Section, and then Resolved, To concur with the house in passing the same into a Law as amended.

Adjourned to 9 O'clock Tomorrow Morning.

DANVILLE, November 8th, 1805, Friday, 9 O'clock A. M.

The following Resolution was read and adopted: Resolved, The house of Representatives concurring herein, that both Branches of the Legislature convene in the Representatives' room at eleven O'clock this Forenoon, for the purpose of electing a Brigadier General in the First Brigade and Fourth Division of the Militia of this State in the room of Brigadier General Roswell Olcott resigned. Ordered, That the Secretary carry the same to the house.

The Committee to whom was referred the Bill Entitled "An act establishing the permanent seat of the Legislature at Montpelier," reported sundry amendments to be made thereto, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, as amended, and Mr. Niles appointed to inform the house of the reasons of Council in proposing the said Amendments.[1]

The Committee on the Bill Entitled "An act establishing a Corporation by the name of the Randolph Turnpike Company," reported sundry amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the same into a Law as amended, and for the same reasons which governed the Council in their proposals of Amendment to the act supplementary to the act establishing the Caledonia Turnpike Company.

The following Engrossed Bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of amendment—viz. "An act in addition to an act ascertaining the principles on which the list of this State shall be made" &c.; An act directing the Committee appointed to lay out the Fairhaven Turnpike; An act making appropriations for the support of Government; An act impowering the Governor to ascertain the northern boundary of this State; An act laying a Tax of Three Cents per acre on the Town of Granby; An act pointing out the mode of settlement with the late Secretary of State," and "An act in explanation of an act laying a Tax on Wenlock," which were severally read, and it was Resolved, To concur with the house in passing the said Bills into Laws.

The following written messages were received from the house: "In General Assembly Nov. 7, 1805. Resolved to concur with the Governor and Council in their amendments to the following Bills to wit, A Bill Entitled "An act incorporating certain Turnpike Companies in the western Counties of this State;" A Bill Entitled "An act concerning Bail;" A Bill Entitled "an act in addition to and explanation of an act regulating Marriage and Divorce;" A Bill Entitled "An act granting the privilege of making and keeping a Turnpike Road from the lower

[1] See *Appendix* C.

Bridge over Onion River to Cumberland Head;" A Bill Entitled "an act incorporating the Passumpsic Turnpike Company;" A Bill Entitled "An act establishing a Corporation by the name of the Mad River Turnpike Company;" A Bill Entitled "an act establishing a Corporation by the name of Missisquoi Turnpike Company;" A Bill Entitled "an act establishing a Corporation by the name of the Woodstock and Rutland Turnpike Company;" also Resolved to concur with the Governor and Council in referring to the next Session of the Legislature a Bill Entitled "an act appointing a Committee to lay out a County Road from the Court house in Danville to Weld's [Wells] River;" and also Resolved to concur with the Governor and Council in their amendment to the concurrent resolution for adjourning the General Assembly. Extract from the Journals, Attest M. Post Clk."

"In General Assembly Nov. 8, 1805. Resolved to concur with the Governor and Council in their amendments to the following Bills, and which have become Laws of this State, to wit, "An act to incorporate an Artillery Company by the name of the Burlington Volunteers; An act to incorporate an Artillery Company in Whitingham; An act establishing the permanent Seat of the Legislature at Montpelier;" and "An act in addition to the Militia Bill" [Act] &c. Att. M. Post Clk G. A."

An Engrossed Bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act regulating the duty of Sheriffs," was sent to the Governor & Council for revision &c. and being read, it was Resolved, To nonconcur with the house in passing the said Bill into a Law.

The Committee on the Bill Entitled "an act to supply the defect of a certain record," reported sundry amendments to be made therein, which were adopted, and then it was Resolved, To concur with the house in passing the said Bill into a Law, as amended, and M^r^ Galusha appointed to inform the house of the reasons of Council in proposing the said amendments.

The following resolution was introduced: Resolved, the house of Representatives concurring herein, that the unfinished business, remaining at the Close of the present session, before the Governor and Council, and the House of Representatives, be laid over to the next Session of the Legislature, then to be taken up and acted upon anew, in the House of Representatives, and that the Secretary of the Council return to the Clerk of the House all the papers relating to such unfinished business as may then be before the Council—which was read, adopted, and Ordered, That the Secretary carry the same to the house.

A verbal message from the house, by a member, informed the Governor and Council that the house was ready to meet them in joint Committee for the purpose of electing a Brigadier General of the First Brigade in the Fourth Division of our Militia, and the Governor & Council immediately proceeded to the Representatives' Room for that purpose, and having accomplished the same, returned to their Chamber.[1]

On motion it was Resolved, To reconsider the vote of Council nonconcurring the "act in addition to an act Entitled an act regulating the duty of Sheriffs," and the "act explanatory of a provision in sundry Turnpike Grants."

An Engrossed Bill, passed in the house of Representatives, Entitled "An act establishing a Grammar School at Randolph," was sent to the Governor and Council for their revision &c. and being read was amended, and then it was Resolved, To concur with the house in passing the said

[1] Abner Forbes was elected.

Bill into a Law, as amended, and Mr. Niles appointed to inform the house of the reasons of Council in proposing the said Amendments.

The following Message was received from the house: "In General Assembly Nov. 8, 1805. Resolved to concur with the Governor and Council in their amendments to the following Bills, to wit, "An act Establishing a Grammar School at Randolph; An act establishing a County Grammar-School at Guildhall" &c.; "An act supplementary to the act Establishing a Corporation by the name of the Caledonia Turnpike Company," and "An act establishing a Corporation by the name of the Randolph Turnpike Company." Att. M. Post Clk. G. A."

Mr. Morris, from the house, informed the Council that the house had concurred in the resolution, which originated in Council, laying over to the next Session the unfinished business before the legislature and that they were now ready to adjourn.

The Governor and Council accordingly proceeded to the Representatives' Room for the purpose above mentioned, and after an appropriate prayer by the Revd. Mr. Fitch, the Chaplain, both Houses of the Legislature were adjourned without day, and David Elkins Esqr. Sheriff of Caledonia Cy by direction of his Excellency the Governor made public proclamation of the same.

A true Journal, Attest William Page Junr. *Secy.*

THIRTIETH COUNCIL.

OCTOBER 1806 TO OCTOBER 1807.

ISAAC TICHENOR, Bennington, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

NATHANIEL NILES, West Fairlee,
JONAS GALUSHA, Shaftsbury,
JOHN WHITE, Georgia,
BERIAH LOOMIS, Thetford,
NOAH CHITTENDEN, Jericho,
ELIAKIM SPOONER, Westminster,
JAMES WITHERELL, Fairhaven,
ASAPH FLETCHER, Cavendish,
ELIAS KEYES, Stockbridge,
SAMUEL SHEPARDSON, Guilford,
EBENEZER WHEELOCK, Whiting,
JOSIAH WRIGHT, Powual.

WILLIAM PAGE, Jr., *Secretary.*
WILLIAM SLADE, Cornwall, *Sheriff.*

POLITICAL NOTE.

The foregoing list of executive officers and Councillors is the same as for the preceding year, and with the exception of Governor, the persons named were all on the ticket which had previously been agreed upon, said *Spooner's Vermont Journal*, by the Jeffersonians—doubtless meaning in a legislative caucus at the session of 1805. The Jeffersonian ticket also embraced, for the first time, the name of Benjamin Swan as Treasurer. No official or other record of the entire vote for Governor can be found ; but *Spooner's Vermont Journal* for Sept. 15 1806 states that in seventy-nine towns Tichenor had 5065 votes, and Israel Smith 4250. The *Assembly Journal* shows that the votes of twenty towns were rejected for informality, which towns gave 544 for Tichenor, 311 for Smith, and 18 scattering. The House was Jeffersonian by a very large majority, as indicated by the election of Stephen R. Bradley as United States Senator, he having received 120 votes against 60 for all other persons, as is stated in *Spooner's Vermont Journal* for Oct. 27 1806.

The election sermon was by the Rev. THOMAS A. MERRILL.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MIDDLEBURY, OCTOBER, 1806.

STATE OF VERMONT. A Journal of the proceedings of the Governor and Council of the State of Vermont, at their Session begun and held at Middlebury, within and for said State, on the second Thursday of October, being the ninth day of said Month, in the year of our Lord one Thousand eight hundred and six, and of the Independence of the United States the Thirty first, pursuant to the laws and Constitution of this State—Present, His Excellency Isaac Tichenor, Esq$^{r.}$ Governor, His Honor Paul Brigham, Esq$^{r.}$ L$^{t.}$ Governor, of the Council The Hon^{ble} Jonas Galusha, James Witherell, Nathaniel Niles, Noah Chittenden, Beriah Loomis, Samuel Shepardson, Eliakim Spooner, Asaph Fletcher, John White, Ebenezer Wheelock, and Josiah Wright Esquires. William Page Jun$^{r.}$ Secretary. William Slade Esq$^{r.}$ Sheriff of Addison County.

On motion, Resolved, That a Committee of seven be appointed, to join such Committee as the General Assembly may appoint, to receive, sort and count the Votes for Governor, L$^{t.}$ Governor, Treasurer and Councillors for the year ensuing. Members Chosen, M$^{r.}$ Galusha, M$^{r.}$ Spooner, M$^{r.}$ Niles, M$^{r.}$ Fletcher, M$^{r.}$ Loomis, M$^{r.}$ Witherell & M$^{r.}$ White. The Members composing the above Committee were sworn, in Council, to the faithful discharge of their duty. Ordered, That the Secretary carry the above resolution to the house of Representatives.

Adjourned to 4 O'clock P. M.

4 O'CLOCK P. M.—M$^{r.}$ Shaw, Member of the House of Representatives, appeared in the Council Chamber and informed the Governor and Council that the House had convened and were now ready to meet the Governor and Council, in the Representatives' Chamber, for the purpose of hearing the report of the Committee appointed to receive, sort and count the Votes for Governor, L$^{t.}$ Governor, Treasurer and Councillors for the year ensuing.

On motion, Resolved, That the Governor and Council will now proceed to the House of Representatives for the above mentioned purpose. And both houses being convened in the Representatives' Chamber, the following report was handed in by M$^{r.}$ Galusha, Chairman of the above Committee—

"The Committee, appointed to receive, sort and count the Votes for Governor, L$^{t.}$ Governor, Treasurer and Councillors for the year ensuing, report, That his Excellency Isaac Tichenor Esq$^{r.}$ is elected Governor, That his Honor Paul Brigham Esq$^{r.}$ is elected L$^{t.}$ Governor, That Benjamin Swan Esq$^{r.}$ is elected Treasurer; That Jonas Galusha, Noah Chittenden, Elias Keyes, Beriah Loomis, Nathaniel Niles, Ebenezer Wheelock, Samuel Shepardson, James Witherell, John White, Asaph

Fletcher, Eliakim Spooner, and Josiah Wright Esquires are elected Councillors for the year ensuing. All which is respectfully submitted,

JONAS GALUSHA for Com^e.

October 9^th, 1806."

and the same being read, the Sheriff of Addison County, by the direction of the Secretary of the Governor and Council, made public proclamation of the same.

The Governor and Council then returned to their Chamber, and adjourned untill 9 O'clock Tomorrow morning.

MIDDLEBURY, Friday, October 10^th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment—Present, His Honor Paul Brigham L^t. Governor. Of the Council The Honor^ble Jonas Galusha, Noah Chittenden, Beriah Loomis, Nathaniel Niles, Ebenezer Wheelock, Samuel Shepardson, John White, Asaph Fletcher, Eliakim Spooner, & Josiah Wright Esq^rs. William Page Jun^r. Secretary, William Slade Esq^r. Sheriff.

The L^t. Governor and the Councillors present proceeded to the Representatives' Room, and after an appropriate prayer by the Rev^d. M^r. Merrill, the oaths, required by the Laws and Constitution, were administered to the L^t. Governor and the above mentioned Councillors by the Chief Justice. The L^t. Governor and Council returned to their Chamber and adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.—M^r. Whitney, Member of the House of Representatives, appeared in the Council Chamber, and informed the Governor and Council that the House of Representatives was organized and ready to receive any communications which His Excellency the Governor might be pleased to make. Ordered, That the Secretary acquaint the house that the Governor will make his communications to both branches of the Legislature at the opening of the house tomorrow morning, in the Representatives' room.

Adjourned untill 9 O'clock Tomorrow morning.

MIDDLEBURY, Saturday, October 11^th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council proceeded to the House of Representatives, and after taking the oaths prescribed by the Laws and Constitution, the Governor delivered the following speech.[1]

The Governor and Council then returned to their chamber and commenced the consideration of business.

The Hon^ble James Witherell Esq^r. elected a Councillor for the year ensuing, appeared in the Council Chamber, took the necessary oaths, and was admitted to a seat at the Council board.

The following resolution was received from the house: "In General Assembly Oct^r. 10, 1806. Resolved, that a Committee be appointed, consisting of five members of this house, to join such Committee as the Governor and Council may appoint, to be denominated "The Turnpike Committee"—Members chosen, Mess^rs. [Abel] Spencer, [Charles] Rich, Graves, Hendee and [Jacob] Galusha,—also Resolved, That a Committee of five be appointed from this House, to join a Committee from Council and be denominated the "Committee of Insolvency and Suspen-

[1] See *Appendix* A.

sion"—Members chosen Messrs. [Dudley] Chase, [Samuel] Shaw, P. Smith, Rich and Hinman,—also Resolved, That a Committee of three be appointed from this house, to join a Committee from the Council, to be denominated "The First Land Tax Committee"—Members chosen, Messs. Tyrus Hurd, Henry & Richard Hurd. Extract from the Journals, Attest Martin Post Clerk"—and the same being read, Resolved, That Mr. Niles join the Committee appointed by the house denominated the "Turnpike Committee," That Mr. Galusha join the Committee appointed by the house denominated "The Committee of Insolvency & Suspension," and that Mr. Shepardson join the Committee appointed by the house denominated "The First Land Tax Committee."

The following resolution was received from the house: "Resolved, That a Committee of Three Members be appointed to join such Committee as the Governor and Council may appoint, to take into consideration the act Entitled An act directing the proceedings against the Trustees of concealed or absconding debtors, and to enquire whether any & what amendments of said act ought to be made, and especially to prevent County Courts having Jurisdiction in causes where the demand shall be under a certain sum, and to report by bill or otherwise. In General Assembly Octr. 10, 1806. Introduced by Mr. [Henry] Olin, Read and passed, & Messs. D. Chipman, T. Hutchinson and [Daniel] Buck were appointed a Committee from the house. Att. Martin Post Clerk"—and the same being read, Resolved, That Mr. Witherell join the Committee appointed by the house on said resolution.

The following Petitions for Land Taxes were received from the house, viz. One for a Land Tax on Morristown, one for a Land Tax on Westfield, one for a Land Tax on Belvidere, one from the Inhabitants of Westfield and Eden praying for a Land Tax on Kellyvale [Lowell,] one for a Land Tax on Sunderland, one for a Land Tax on Monkton, one from the Selectmen of Cabot for a Land Tax on said Town, and one from Parley Davis and others praying for a Land Tax on the Town of Montpelier for the purpose of building a State House, with this order on each: "In General Assembly Nov. [Oct.] 10, 1806. Read and referred to the First Land Tax Committee to join &c. Attest M. Post Clk"—and the same being severally read, Resolved, To concur with the house in the said reference.

A Petition from Abijah Lathrop, praying for an act to suspend civil prosecutions against him for a term of time therein mentioned, was received from the house with this order thereon: "In General Assembly Octr. 10, 1806. Read and referred to the Committee of Suspension &c. to join from Council. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in the above reference.

A Petition from Samuel Dickinson and others, praying for leave to make a Turnpike Road from Rockingham to Massachusetts line, one from Lewis R. Morris and James Whipple for leave to make a Turnpike Road from Connecticut River in Springfield to Parker's tavern in Chester, and a Remonstrance from the Weathersfield Turnpike Corporation against granting the prayer of the last mentioned Petition, were received from the house with this order on each: "In General Assembly Octr. 10, 1806. Read and referred to the Turnpike Committee to join from Council. Att. M. Post Clk"—which were severally read, and Resolved, To concur with the house in the above reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Council met pursuant to adjournment, and having no business before me [them,] adjourned untill 9 O'clock Monday morning.

MONDAY, October 13th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolutions were received from the house: "Resolved, the Governor and Council concurring therein, that the Members of both houses meet in County Conventions at 4 O'clock P. M. of Tuesday next, for the purpose of making their nominations of County officers, and that both houses meet in joint Committee, on Wednesday at 10 o'clock A. M. in the Representatives' room, for the purpose of receiving such nominations and making the appointment of such officers. Extract from the Journals of General Assembly Oct^r. 11th, 1806. Att. M. Post Clerk"—which was read and Resolved, to concur therein. Also this Resolution: "In General Assembly Oct^r. 11, 1806. Resolved, the Governor and Council concurring therein, that both houses meet in the Representatives' room, at 10 o'clock on Tuesday morning next, for the purpose of electing the Judges of the Supreme Court for the year ensuing. Extract from the Journals, Att. M. Post Clk"—which was read and concurred. And also this Resolution: "In General Assembly Oct^r. 11, 1806. Resolved, That a Committee, consisting of a Member from each County, be appointed, to join a Committee from the Council, to be denominated the 2nd Turnpike Committee. Members chosen, Mess^s. Hutchins, Wetherbee, E. Robinson, Green, Farrington, N. Robinson, A. Robinson, Bump, Wheelock, Thompson, D. Palmer and Gardner. Also Resolved, That a Committee of three Members be appointed, to join a Committee from Council, to be denominated the Second Land Tax Committee. Members chosen, Mess^s. E. Fitch, Hammond & Hale. Extract from the Journals. Att. M. Post Clk"—which being read, it was Resolved, That M^r. White join the Committee appointed by the house denominated the "Second Turnpike Committee," and That M^r. Wright join the Committee appointed by the house denominated "the Second Land Tax Committee."

Petitions for Land Taxes on the Towns of Townsend, Windham, Sheffield, Ludlow, Underhill, & Ferrisburgh were received from the house with this order on each: "In General Assembly Oct. 11, 1806. Read & Referred to the 2nd Land Tax Committee to Join &c. Att. M. Post Clk"—which were severally read, and it was Resolved, To concur with the house in their said reference.

A Petition for an alteration of the Waltham Turnpike, one from Nathaniel Kilbourn and others, praying for leave to make a Turnpike Road thro' the County of Orleans to Montpelier, one from Samuel Thayer and others praying leave to make a Turnpike Road from the East end of the Windham County Turnpike to Cyrus Hill's in Bennington, and a bill Entitled an act explanatory of a provision in sundry Turnpike Grants, were received from the house with this order on each: "In General Assembly Oct^r. 11th, 1806. Referred to the Second Turnpike Committee to join &c. Att. M. Post Clk"—which were severally read & Resolved, To concur with the house in the above reference.

A bill Entitled "an act relating to Goals and Goalers, & for the relief of persons imprisoned therein;" A bill Entitled "An act in amendment of the 76th Section of an act &c. (respecting Mortgages;") and A bill Entitled "An act to repeal a certain act therein mentioned, except the 3d & 4th Sections thereof," were received from the house with this order on each: "In General Assembly Oct. 11, 1806. Called up and referred to Mess^s. N. Chipman, Whitney & A. Lyon, to join a Committee from the Council. Att. M. Post Clerk"—which were severally read, and Ordered, That M^r. Galusha join the said Committee on the said acts [bills.]

A Petition from Benjamin Archer, for an act to suspend civil process against him for the term of five years; a Petition from Joseph Safford

for an act of insolvency or suspension; a Petition from Prince B. Hall praying for an act of insolvency, and a Petition from William Baxter for an act of suspension, were rec^{d} from the house with this order on each: "In General Assembly Oct. 11, 1806. Read & Referred to the Committee of Insolvency & suspension to join &c. Att. M. Post Clk."—which were severally read and Resolved, To concur with the house in the said reference.

A Petition from the Town of Concord, praying to be annexed to the County of Caledonia, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Read & Ref$^{d.}$ to Mes$^{s.}$ Dewey, R. Lyon, Butts, D. Smith & Pond, to join &c. Att. M. Post Clk."—which was read and Ordered, That M$^{r.}$ Spooner join said Committee from the house.

A Petition from the Town of Andover, praying to be erected into a separate Town with all the powers and privileges belonging to other towns in this State, was rec^{d} from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Read and referred to Mess$^{s.}$ Wheatley, Emerson, C. Smith, Fox and Williams, to join a Committee from Council. Att. M. Post Clk."—which was read, and Ordered, That M$^{r.}$ Loomis join the above Committee from the house.

A bill Entitled An act regulating fees, and a report of a Committee of the General Assembly of last Session accompanying the same, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Called up and referred to Mess$^{s.}$ D. Dana, Bullock and Noble, to join a Committee from Council. Att. M. Post Clk,"—which was read, and Ordered, That M$^{r.}$ Witherell join the above Committee from the house.

An act appointing a Committee to view places for a State's Prison with a number of accompanying papers on that subject, were received from the house with this order on the same: "In General Assembly Oct$^{r.}$ 11, 1806. Called up and referred to Mess$^{s.}$ R. Hurd, Aiken, Spencer, T. Hutchinson, Rich, Chase, W$^{m.}$ C. Harrington, Ab$^{m.}$ Smith, Wilkins, Boardman, D. Dana & Sowles to join a Com^{tee} from Council. Att. M. Post Clk."—and it was Ordered, That M$^{r.}$ Fletcher join said Committee from the house.

An act assessing a Tax of one cent on each acre of land in this State, for the purpose of building a State Prison, and for the support of Government in this State, was received from the house with the same order on the same as on the last mentioned act [bill,] and it was Ordered, That M$^{r.}$ Fletcher also join said Committee on this act.

An act ascertaining the principles on which the List of this State shall be made up &c. was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Read and referred to Mess$^{s.}$ D. Chipman, Muzzy, Boutell, Hunt and Dyer to join a Committee from Council. Attest M. Post Clk."—which was read, and Ordered, That Gov$^{r.}$ Brigham join the above Committee from the house.

An act directing the mode of election of Governor, L$^{t.}$ Governor, Treasurer of the State, Councillors and Representatives, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Read and referred to Mess$^{s.}$ A. Lyon, Hendee, and Sprout to join &c. Attest M. Post Clk."—which was read, and Ordered, That M$^{r.}$ Wright join the above Committee from the house.

An act in addition to an act Entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 11, 1806. Read and referred to Mess$^{s.}$ Olin, Porter and Tenney to join a Committee from Council. Att. M. Post Clk."—which was read,

and Ordered, That Mr. Loomis and Mr. Wright join the above Committee.

The Governor communicated to the Council the following letter from Moses Robinson Esqr. President of the Council of Censors—

"In Council of Censors, Middlebury Octr. 11, 1806.

Sir, – I am directed by the Council of Censors to give your Excelle'y and the Council official notice of the death of Colo. Udney Hay, late member of this Board, that you may take such order as you may think proper. Your Excellency's most Obt. Servt. Moses Robinson.

His Excey Isaac Tichenor Esqr."

and the same being read, Resolved, Gov. Brigham and Mr. Niles be a Committee from Council to join such Committee as the House of Representatives may appoint, to take under their consideration the within communication from the President of the Council of Censors giving official notice of a vacancy in that board, by the death of the late Colo. Udney Hay, and to report to both houses, whether the vacancy in the said board can be constitutionally filled. Ordered, That the Secretary carry the above to the house.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The following resolution was [resolutions were] received from the house: "In General Assembly Octr. 13, 1806. Resolved, That a Committee of three Members from this house be appointed, to join a Committee from Council, to be denominated the "Third Land Tax Committee." Members chosen, Messs. Strowbridge, Bartlett and Barney. Resolved, That a Committee of five be appointed to join a Committee from Council, to be denominated "the Committee of Claims." Members chosen, Messs. D. Chipman, Jackson, Fay, Holabird & Bottum. Extract from the Journals, Att. M. Post Clk"—and the same being read, Resolved, That Mr. Wheelock join the Committee from the house denominated "the Third Land Tax Committee," also Resolved, That Mr. White join the Committee from the house denominated "the Committee of Claims."

Petitions for Land Taxes on Brownington and Roxbury and a remonstrance from the Inhabitants of Roxbury against granting a Tax on sd Town, were received from the house with this order on each: "In General Assembly Octr. 13, 1806. Referred to the Second Land Tax Committee to join &c. Att. M. Post Clk"—in which reference the Governor & Council concurred.

Petitions for Land Taxes on the Towns of Warren, Navy [Charleston,] Random [Brighton,] and Westmore, were received from the house with this order on each: "In General Assembly Octr. 13, 1806. Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk." —in which reference the Governor and Council concurred.

A Petition from sundry Inhabitants of the Town of Pittsfield, for a grant of a Turnpike Road thro' said Town, was received from the house with this order thereon: "In General Assembly Octr. 13, 1806. Read and referred to the Second Turnpike Committee to join &c. Att. M. Post Clk"—which was read, & Resolved, To concur with the house in the said reference.

A Petition from Jas. Richardson, praying for a suspension of civil suits against him for ten years, and one from Ozi Baker, praying for an act to suspend civil suits against him for the term of two years, were received from the house with this order on each: "In General Assembly Octr. 13, 1806. Read and referred to the Committee of suspension &c. to join &c. Att. M. Post Clk"—which were severally read, & it was Resolved, To concur with the house in their said reference.

A Petition from the Listers of Plymouth, and one from the Selectmen of Wells, praying a remission of the state Taxes on account of Errors in making out the Grand List on said Towns, were recd. from the house with this order on each: "In General Assembly Octr. 13, 1806. Read and referred to the Committee of Claims to join &c. Att. M. Post Clk." —in which reference the Governor and Council Concurred.

Adjourned untill 9 O'clock Tomorrow morning.

MIDDLEBURY, Tuesday, October 14th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house—"In General Assembly Octr. 13, 1806. Resolved, That a Committee be appointed, consisting of a Member from each County, to join such Committee as the Governor and Council may appoint, to be denominated "the Bank Committee." Members chosen, Messs. Richardson, Mather, Thompson, Olin, Thayer, Emerson, Leavenworth, Neilson, Walbridge, Ellsworth, Hyde and Boyden. Extract from the Journals, Att. M. Post Clk."—which was read and Ordered, That Gov. Brigham, Mr. Niles, and Mr. Galusha be a Coms. from Council to join the above Committee from the house.

Petitions for Banks to be established at Brattleboro', in Caledonia County, at Danville, at Rutland, and at Middlebury, were received from the house with this order on each: "In General Assembly Octr. 13, 1806. Read and referred to the Bank Committee. Att. M. Post Clk"—in which reference the Governor and Council concurred.

The Petition of Wm. Barton was received from the house with this order thereon: "In General Assembly Octr. 13, 1806. Read and referred to Messs. Chase, Wetherbee, Rich, Hendee & Hutchins to join a Committee from Council. Att. M. Post Clk"—which was read and Ordered, That Mr. Chittenden join the above Committee.

A bill Entitled An act granting a Turnpike road from Manchester to Chester was received from the house with this order thereon: "In General Assembly Octr. 13, 1806. Called up and referred to the first Turnpike Committee to join. Att. M. Post Clerk"—in which reference Governor and Council concurred.

The report of the Committee of the General Assembly on the Charter of Deweysburgh, referred from the last session of the Legislature, was recd from the house with this order thereon: "In General Assembly Octr. 13, 1806. Read and referred to Messs. Morris, Chase, & Bradley to join a Committee from Council. Att. M. Post Clerk"—which was read and Ordered, That Mr. Niles join the above mentioned Committee.

A Petition from Jonathan Parker was received from the house with this order thereon: "In General Assembly Oct. 13, 1806. Read and referred to Messs. Whitney, Buck & Wm. C. Harrington to join a Committee from Council. Att. M. Post Clk" - and being read, it was Ordered, That Mr. Shepardson join the above Committee.

Petitions from the Inhabitants of Wardsboro' North-District and of Wardsboro' South-District, praying to be erected into two separate Towns, were received from the house with this order on each: "In General Assembly Octr. 13, 1806. Read and referred to the [committee on the] Petition of the Inhabitants of Andover to join &c. Att. M. Post Clk"—in which reference the Governor and Council concurred.

A Communication from the Surveyor General, respecting the papers, belonging to his office, in the hands of Ira Allen late Surveyor General, was received from the house with this order thereon: "In General As-

sembly Oct^{r} 13, 1806. Read and referred to Mess^{s} Byrd, Luce and Spencer, to join Committee from Council. Att. M. Post Clk."—which was read, and Ordered, That M^{r} White join said Committee from the house.

Petitions for Land Taxes on Westford, Kelly's Grant and Wheelock, were received from the house with this order on each: "In General Assembly Oct^{r} 13, 1806. Referred to the first Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor & Council concurred.

Petitions for Land Taxes on Holland and Morgan were received from the house with this order on each: "In General Assembly Oct^{r} 13, 1806. Referred to the Second [Land] Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor & Council concurred.

Agreeably to the Concurrent resolution of both houses, the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of electing Judges of the Supreme Court of Judicature and Court of Chancery, and having accomplished the same, the Joint Committee was dissolved and the Governor and Council returned to their Chamber.[1]

The Honb^{le} Royall Tyler Esq^{r} this day elected First side or Assistant Judge of the Supreme Court of Judicature & Court of Chancery, appeared in the Council Chamber, signified his acceptance of that office, and the necessary oaths were administered to him by his Excellency the Governor.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The following resolution was received from the house: "Resolved, That a Committee of five Members be appointed to join such Committee as the Governor and Council may appoint, to take into consideration the expediency of granting licences to Hawkers and Pedlars and the sum which ought to be assessed on such licences and report by bill or otherwise. In General Assembly Oct^{r} 14th, 1806, this resolution was brought in on motion of leave by M^{r} Shaw, read and adopted, and Mess^{s} Shaw, C. Smith, Scott, G. Palmer & Abr^{m} Smith were appointed a Committee from the house. Att. M. Post Clk."—and the same being read, Ordered, That M^{r} Fletcher join the above Committee from the house.

An act granting a Tax of one half cent per acre on all the Lands in the Township of Alburgh, as granted by charter, was received from the house with this order thereon: "In General Assembly Oct^{r} 14, 1806—Read and referred to the First Land Tax Committee to join &c. Att. M. Post Clerk"—and the same being read, Resolved, To concur with the house in the reference of the same.

A Petition for a Land Tax on the Town of Vineyard [Isle la Mott,] was received from the house with this order thereon—"In General Assembly Oct^{r} 14, 1806, referred to the Third Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor and Council concurred.

A Petition for the establishmont of a Bank at Montpelier was received from the house with this order thereon: "In General Assembly Oct^{r} 14th, 1806. Read and referred to the Bank Committee to join &c. Att. M. Post Clk"—in which reference the Governor and Council concurred.

A Petition from the Inhabitants of Westmore, praying to be annexed to the County of Orleans, was received from the house with this order

[1] Jonathan Robinson, Royall Tyler, and Theophilus Harrington were elected.

thereon: "In General Assembly Oct$^{r.}$ 14, 1806. Read and referred to the Committee on the Petition of the Inhabitants of Concord to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

The Petition of Eliakim Spooner, praying for compensation for lands purchased of the Commissioners of Confiscation, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 14^{th,} 1806. Read and referred to the Committee of Claims to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act regulating the office and duty of Sheriff" &c. was sent up for revision and concurrence or proposals of amendment, and being read, Ordered, That it be referred to M$^{r.}$ Wheelock.

Adjourned untill 9 O'clock To morrow morning.

MIDDLEBURY, Wednesday, October 15^{th,} 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

Petitions for Land Taxes on Huntington, Lunenburgh, Braintree, Panton and Concord were received from the house with this order on each: "In General Assembly Oct$^{r.}$ 14, 1806. Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk"—in which reference the Governor and Council concurred.

Petitions for the establishment of Banks at Burlington, Peacham and Windsor were received from the house with this order on each: "In General Assembly Oct$^{r.}$ 14, 1806. Read and referred to the Bank Committee to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

The Petition of Jason Carpenter, praying for a remission of part of the State [tax] on the Town of Sharon, one from Dan$^{l.}$ Brown for a remission of the whole Tax on Plymouth granted in 1793, one from Abraham Morrill Ju$^{r.}$ for relief on a certain note in favor of the State Treasurer against him, and the Petition of Sylvenus Church praying an abatement of the State Tax on the Town of Richmond for the year 1805, were received from the house with this order on each: "In General Assembly Oct$^{r.}$ 14, 1806. Read and referred to the Committee of Claims to join &c. Att. M. Post Clk"—and being severally read, it was Resolved, To concur with the house in their said reference.

"An act to supply the defect in a certain record" was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 14, 1806. Read and referred to Mess$^{s.}$ N. Chipman, Olin & J. Harrington to join a Committee from Council. Att. M. Post Clk"—which was read, and Ordered, That M$^{r.}$ Shepardson join the above Committee from the house.

A Petition from the Inhabitants of Orwell, praying to be annexed to the County of Addison, was received from the house with this order thereon—"In General Assembly Oct$^{r.}$ 14, 1806. Read and Referred to Mes$^{s.}$ Buck, T. Hutchinson and R. Hurd, to join a Committee from Council. Att. M. Post Clk."—and the same being read, Ordered, That M$^{r.}$ Wright join the above Committee from the house.

A Petition from Joseph Cook, praying to be annexed to the Town of Weybridge, and a Petition from Benjamin Bullard and others, praying that a part of the Town of Panton may be annexed to the Town of Weybridge, were received from the house with this order on each: "In Gen-

eral Assembly Oct^{r} 14, 1806. Read and Referred to Mess^{s} G. Segar, Myrick & D. Brown to join a Committee from Council. Att. M. Post Clk."—which were severally read, & Ordered, That M^{r} Spooner join the above Committee from the house.

Petitions for Land Taxes on the Towns of Danville and Sherburne, and a remonstrance from Chris^{r} Champlin and others against the Petition for a Land Tax on Sherburne, were received from the house with this order thereon: "In General Assembly Oct^{r} 14, 1806. Referred to the Fourth Land Tax Committee to join &c. The Committee are Mess^{s} B. Phelps, Dan^{l} Brown and Perkins. Att. M. Post Clk."—which were severally read, & it was Ordered, That M^{r} Fletcher join the above Committee from the house.

Pursuant to the concurrent resolution of both houses, the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of receiving the nominations of County Conventions and appointing the respective County Officers for the year ensuing, and having progressed in the same the joint Committee adjourned untill Wednesday next at ten O'Clock A. M. then to meet in the Representatives' room. The Governor and Council returned to their chamber and adjourned untill 2 O'clk P. M.

2 O'clock P. M.—A Petition from Abraham Morrill and others for a Turnpike Road, was rec^{d} from the house with this order thereon: "In General Assembly Oct^{r} 15, 1806. Read and referred to the First Turnpike Committee to join &c. Att. M. Post Clk."—in which reference the Governor and Council concurred.

A Petition for a Land Tax on the Town of M^{t} Tabor was received from the house with this order thereon—"In General Assembly Oct^{r} 15, 1806. Referred to the Fourth Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor and Council concurred.

Petitions for Land Taxes on the Towns of Concord, Lunenburgh and Deweysburgh were received from the house with this order on each: "In General Assembly Oct^{r} 15th, 1806. Referred to the Third Land Tax Committee to join &c. Att. M. Post Clk."—in which reference the Governor and Council concurred.

A Petition from Robert Stimson, praying an abatement of part of the State Tax on the Town of Bolton for the year 1805, was received from the house with this order thereon—"In General Assembly Oct^{r} 15, 1806. Read and referred to the Committee of Claims to join &c. Att. M. Post Clk."—and being read, it was Resolved, To concur with the house in their reference of the same.

The Letter from the President of Council of Censors, together with the resolution of Council on the same, was returned from the house by M^{r} Morris, a Member, with this order of the house thereon: "In General Assembly Oct^{r} 13, 1806. Read & Resolved that Mes^{s} Morris, T. Hutchinson, Chase, W^{m} C. Harrington & Shaw be a Committee on the part of the house to join the above Committee from the Council. Att. M. Post Clk."

M^{r} Morris also informed the Council that the joint committee appointed on the above Communication had reported a resolution to the house, which the house had adopted and ordered him to convey to the Governor and Council for their concurrence—which is as follows, to wit,—

"Middlebury 15 Oct^{r} 1806. The Committee to whom was referred the Letter from the Council of Censors, giving his "Excellency the Governor and Council official notice of the death of Col^{o} Udney Hay, late member of the Council of Censors, that the Governor and Council may

take such order thereon as to them shall seem proper," report, That they do not consider a seat in the Council of Censors as an office in view of the Constitution, which the Governor and Council, or the Governor and Council and General Assembly have any power to fill in case of a vacancy. The Council of Censors, appears to the Committee, as placed by the Constitution, entirely detached and separated from the other constituted authorities of the State, not accountable to any tribunal in the Government, and intended as a check on the Legislative, Judicial and Executive departments thereof, as well as to propose amendments to the Constitution. They therefore are of opinion, that no measures can be constitutionally taken, to fill the vacancy communicated.

PAUL BRIGHAM for Committee."

On which resolution the house passed the following order: "In General Assembly Oct^{r} 15, 1806. Read, accepted and ordered to be sent to the Governor and Council for their concurrence and M^{r} Morris appointed to carry up the same. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in the acceptance of said report. Ordered, That the Secretary transmit a copy of the above report, with the proceedings of the Governor & Council and General Assembly thereon, to the President of the Council of Censors, to be communicated to that body.

The Petition of Asahel Baldwin, praying for compensation for the breach of an agreement made by one of the late Commissioners of Confiscation, was received from the house with this order thereon: "In General Assembly Oct^{r} 15, 1806. Read and referred to the Committee of Claims to join &c. Att. M. Post Clk"—in which reference the Governor and Council concurred.

A Petition for a Turnpike Road to be granted from the end of the Waltham Turnpike to Roger A. Heirn's Ferry, was received from the house with this order thereon: "In General Assembly Oct^{r} 15th, 1806. Read & Referred to the Second Turnpike Committee to join &c. Att. M. Post Clerk"—in which reference the Governor and Council concurred.

M^{r} Wheelock, to whom was referred the bill Entitled "An act in addition to an act Entitled an act regulating the duty of Sheriffs" &c. reported that the same ought [not] to pass and become a Law, whereupon it was Resolved, To nonconcur with the house in passing said bill into a Law, & for the following reasons, to wit: It is the opinion of the Governor and Council, that no doubts or uncertainty are contained in said act to which this is proposed as an addition, as to the persons who are empowered to administer the oath of office to the Deputy Sheriffs, but that every Justice of the Peace within his Jurisdiction may administer such oath, and that nothing in said act can be construed to empower Sheriffs to administer the oath of office to their deputies and certify the same, and should s^{d} act pass it may be construed to confirm the former doings of Sheriffs not authorized by said act, and would, in its nature and operation, be *ex post facto*.

The Petition of Samuel Spring, confined in Chelsea Goal, on a sentence of the Supreme Court of Judicature at their September Term in Orange County A. D. 1805, praying the remission of the Fine imposed on him by s^{d} Court and the costs of prosecution, was read. On motion of M^{r} Loomis, M^{r} Fisk stated the situation, ill health of the prisoner, his poverty and utter inability to pay the fine imposed on him. Ordered, That said Petition lie on the Table.

Adjourned untill 9 O'clock Tomorrow morning.

MIDDLEBURY, October 16th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act assessing a Tax on the Towns of South-hero and Middle-hero" [Grand Isle,] was sent up for revision &c. read, and Ordered, That it be referred to Mr. Loomis.

Petitions for Land Taxes on the Towns of Readsboro' & Reading were received from the house with this order on each: "In General Assembly Octr. 15, 1806. Referred to the Fourth joint Land Tax Committee. Att. M. Post Clk"—in which reference the Governor and Council concurred.

A Petition from Samuel Strong and others for the grant of a Turnpike Road from Vergennes to join the Hubbardton Turnpike, and one from the Rutland and Stockbridge Turnpike Company praying an extension of their Grant, from Zebedee Sprout's in Pittsfield to the Center Turnpike Road leading from Middlebury to Woodstock, were received from the house with this order on each: "In General Assembly Octr. 15th, 1806. Read & Referred to the Second Turnpike Committee to join &c. Att. M. Post Clk"—which were severally read & Resolved, To concur with the house in their reference of the same.

A Petition from the Grand Lodge of the State of Vermont, praying for an act of Incorporation, was received from the house with this order thereon: "In General Assembly Octr. 15, 1806—Read and referred to Messs. Spencer, D. Dana & Knoulton, to join a Committee from Council. Att. M. Post Clk"—which was read and Ordered, That Mr. Fletcher join the above Committee from the house.

An act to repeal an act Entitled "An act to empower the Judges of the Supreme Court of Judicature to grant bills of divorce, and to repeal parts of certain acts therein mentioned, passed Nov. 7, 1805," was received from the house with this order thereon: "In General Assembly Octr. 15, 1806. This bill was brot in on motion of leave by Mr. T. Hutchinson, read & Referred to Messs. T. Hutchinson, Buck & Rich to join a Committee from Council. Att. M. Post Clk"—which was read, and Ordered, That Mr. Galusha join the above Committee from the house.

A Petition of Abel Jackman and others for the repeal of a law establishing the jurisdictional lines between the Towns of Vershire and Corinth in the County of Orange, was received from the house with this order thereon: "In General Assembly Octr. 15, 1806. Read and referred to Messs. Moffit, T. Hurd, Rich, Duncan and E. Stevens to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That Mr. Loomis join the above Committee from the house.

The Petition of Jos. & William Hutchins against Jacob Davis Jur. for relief in a certain cause therein mentioned, was received from the house with this order thereon: "In General Assembly Octr. 15, 1806. Read and referred to Messs. Morris, Duncan and D. Dana to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That Mr. Witherell join the above Committee from the house.

The Communication of the Governor to the General Assembly, relative to the Northern boundary line of this State, was received from the house with this order thereon: "In General Assembly Octr. 15, 1806. Called up and referred to Messs. T. Hutchinson, Spencer, Hendee, Hunt, and Chase to join a Committee from Council. Att. M. Post Clk"—whereupon, Ordered, That Mr. Niles & Mr. Shepardson join said Committee.

Petitions from Truman Squier and others, from Samuel Perry and others, and from Lyman Munson and others, all praying for an altera-

tion of time and places of the sessions of the County Courts in Bennington County, were received from the house with this or a similar order on each—"In General Assembly Oct^{r} 15, 1806. Read & Referred to Mes^{s} Shaw, Thompson, C. Smith, P. Smith and Luce to join a Committee from Council. Att. M. Post Clk"—which were severally read and Ordered, That M^{r} Chittenden join the said Committee from the house.

The Petition of Jacob Davis, praying an abatement of part of the State Tax of 1805 on the Town of Milton, was received from the house with this order thereon: "In General Assembly Oct^{r} 15, 1806. Read and referred to the joint Committee of Claims. Att. M. Post Clk"—in which reference the Governor and Council concurred.

An act directing the appointment of Turnpike Inspectors and regulating their office and duty, was received from the house with this order thereon: "In General Assembly Oct^{r} 15, 1806. This bill was bro^{t} in [on] motion of leave by M^{r} Olin, Read and referred to Mes^{s} Olin, R. Hurd & Denison, to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M^{r} Wright join the above Committee from the house.

An act in addition to an act Entitled "an act granting the right of making and keeping a Turnpike Road from the Lower Bridge over Onion River" &c. bro^{t} into the house on motion of leave by M^{r} A. Lyon; And a Petition from sundry persons living near the Sand Bar, praying for an alteration in the Sand-Bar Turnpike Company, were received from the house with this order on each: "In General Assembly Oct^{r} 15, 1806. Read and referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—and being severally read, Resolved, To concur with the house in their said reference of the same.

Petitions from Thomas H. Parker and Peter Taft, praying that acts might be passed suspending civil process against them for a certain term of years, were received from the house with this order thereon: "In General Assembly Oct^{r} 15, 1806. Read & Referred to the Committee of Suspensions &c. to join &c. Att. M. Post Clk"—and being severally read, Resolved, To concur with the house in their said reference of the same.

The Petition of Stephen Fisk, for the Grant of a small Island in Lake Memphremagog, was received from the house with this order thereon: "In General Assembly Oct^{r} 15th, 1806. Read and referred to Mess^{s} Leavenworth, Morrill & Kennan, to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M^{r} Spooner join the above Committee from the house.

The Petition of Daniel S. Bartram for a new trial in a certain criminal indictment against him, and one from Archibald Prichard for a new trial in a certain case between him and Joseph Peck, were received from the house with this order on each: "In General Assembly Oct^{r} 16, 1806, read & referred to Mes^{s} Olin, A. Lyon and Roberts to join Committee from Council to be denominated "the Committee on new trials." Att. M. Post Clk"—and being severally read, Ordered, That M^{r} Niles join the above Committee from the house.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay Benjamin Emmons Jun^{r} the sum therein mentioned," was sent up for revision and Concurrence or proposals of amendment, and being read, Resolved, To concur with the house in passing said bill into a Law.

The Committee to whom was referred the bill Entitled "an act assessing a Tax on the Towns of South-hero and Middle-hero," reported that

said bill ought to pass into a Law—whereupon, Resolved, To concur with the house in passing said bill into a Law.

The following resolution was received from the house: "In General Assembly Oct$^{r.}$ 16, 1806. Resolved, the Governor and Council concurring therein, that both houses meet in joint Committee, in the Representatives' Room, at ten O'clock Tomorrow morning, for the purpose of electing an Auditor of Accounts against this State for the year ensuing. Read & adopted. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house therein.

Four Petitions for a State Bank at Woodstock were rece$^{d.}$ from the house with this order on each—"In General Assembly Oct$^{r.}$ 16^{th,} 1806. Read and referred to the Bank Committee to join &c. Att. M. Post Clk"—and being read, Resolved, To concur with the house in their said reference.

A Petition for a Land Tax on Westford was again receiv$^{d.}$ from the house with this new order thereon: "In General Assembly Oct$^{r.}$ 16^{th,} 1806, report read and recommitted to former joint Committee. Att. M. Post Clk"—in which recommittment the Governor & Council concurred.

In Council at Middlebury Oct$^{r.}$ 16, 1806.

Present, His Honor Paul Brigham L$^{t.}$ Governor, Of the Council, The Honorable Jonas Galusha, Noah Chittenden, Beriah Loomis, Nathaniel Niles, Samuel Shepardson, James Witherell, John White, Asaph Fletcher, Eliakim Spooner and Josiah Wright Esquires. William Page Jun$^{r.}$ Secretary—William Slade Esq$^{r.}$ Sheriff. The Council took under consideration the Petition of Samuel Spring, stating that he was convicted, before the Hon^{ble} Supreme Court of Judicature, holden at Chelsea, within and for the County of Orange, on the First Tuesday, next following the Fourth Tuesday of August A. D. 1805, of uttering certain false and counterfeit Bank Bills, and was sentenced by said Court, among other things, to pay a fine of Four hundred Dollars, and costs of prosecution, and stand committed, untill sentence be complied with, representing his utter inability to pay said Fine and costs, or any part thereof, and praying that the Governor and Council would remit the said Fine and Costs—and, on the Question shall the Fine imposed as aforesaid on the said Samuel Spring be remitted, the yeas and nays being required by M$^{r.}$ Witherell were as follows—Yeas, Mess$^{s.}$ Chittenden, Loomis, Witherell, White, Fletcher, Spooner and Wright. Nays, Mess$^{s.}$ Galusha, Niles and Shepardson. Yeas 7. Nays 3. Whereupon, after a full examination of the premises, and mature deliberation being had thereon, *It is Ordered and adjudged*, That the said Fine of Four hundred dollars, imposed on the said Samuel Spring by the Supreme Court aforesaid, be, and the same is hereby remitted—And the Sheriff of our County of Orange and all others concerned will take due notice hereof, and govern themselves accordingly.

Adjourned untill 9 O'clock Tomorrow morning.

Friday October 17, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

Two Petitions from sundry Inhabitants of Chittenden County, praying for the removal of the County Buildings from Burlington to a more central situation, and a remonstrance from the Inhabitants of Deweysburgh against annexing said Town to Peacham, were received from the house with this or a similar order on each: "In General Assembly Oct$^{r.}$ 16, 1806. Read and referred to Mes$^{s.}$ Spencer, Porter, J. Brown, J. Stone & Baxter to join &c. Att. M. Post Clk."—and the same being

read, Ordered, That Mr. Spooner join the above Committee from the house.

A Petition from Timo. F. Chipman and Henry Hall, praying the Legislature to pay them for a Field piece purchased for the third Regiment in the First Brigade and Third Division of our Militia, was receᵈ from the house with this order thereon: "In General Assembly Octr. 16th, 1806. Read and referred to Messs. Hendee, Leffingwell and Fox to join a Committee from Council. Att. M. Post Clk."—which was read, and Ordered, That Govr. Brigham join the above Committee from the house.

Agreeably to the concurrent resolution of both houses, the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of Electing an Auditor of accounts against the State for the year ensuing, and having accomplished the same the joint Committee was dissolved and the Governor and Council return'd to their chamber and adjourned untill 2 O'clock P. M.[1]

2 O'clock P. M.—A Petition from the Town of Springfield for a new County to be formed from the Counties of Windsor & Windham, was received from the house with this order thereon: "In General Assembly Octr. 17, 1806. Read and together with the accompanying Petitions of the Inhabitants of Chester, Andover, Weston, Grafton, Windham, Weathersfield and other Towns referred to Messs. C. Smith, D. Dana, D. Chipman, Newell and Galusha to join a Committee from Council. Att. M. Post Clk"—and being read, Ordered, That Mr. White & Mr. Wright join the above Committee.

A Petition for a Turnpike Road from Middlebury to Sudbury, one from Cyrus Clark and Charles Rich for a grant [of] a Turnpike road from Vergennes to the Fairhaven Turnpike, one from the Stamford Turnpike Company praying that the limitation of the Grant made to said Company might be taken off, one from Sylvester Deming and others for a grant of a Turnpike road thro' Manchester, Sunderland and Arlington, and one from the Fairhaven Turnpike Company praying for an alteration in their grant, were received from the house with this order on each—"In General Assembly Octr. 17, 1806. Read and referred to the Second Turnpike Company [committee] to join &c. Att. M. Post Clk."—and being severally read, Resolved, To concur with the house in their reference of the same.

A Petition for a Turnpike Road, from the First Branch of White River, thro' Chelsea to Willard's Tavern in Barre, was received from the house with this order thereon—"In General Assembly Octr. 17, 1806. Read and referred to the First Turnpike Committee to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

A Petition for removing the County Buildings in the County of Chittenden was received from the house with this order thereon: "In General Assembly Octr. 17, 1806. Read and referred to the Committee appointed on the Petition of sundry Inhabitants of Chittenden County to join &c. Att. M. Post Clk"—and being read, Resolved, To concur with the house in their reference of the same.

The Petition of James Boyl[2] for a new trial on a criminal prosecution against him, was received from the house with this order thereon: "In General Assembly Octr. 17, 1806. Read & referred to the joint

[1] Alexander Hutchinson was elected.

[2] Bayle in the Assembly Journal.

Committee of new Trials. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

The Petition of Silas Hathaway, praying that an act might be passed to suspend civil prosecutions against him, and to free his body from arrest for the Term of seven years, was received from the house with this order thereon—"In General Assembly Oct^r. 17, 1806. Read and referred to the Committee of Suspension &c. to join &c. Att. M. Post Clk"—and the same being read, Resolved. To concur with the house in their said reference.

The Petition of John Johnson and others for an act to incorporate them and others by the name of the "Burlington Mechanic Association," was received from the house with this order thereon: "In General Assembly Oct^r. 17, 1806. Read & referred to the Committee on the Petition of the Grand Lodge to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said Reference.

On Motion, M^r. Loomis obtained leave to bring in a bill Entitled "an act in addition to an act Entitled an act for the support of schools," which was read and Ordered, That it be referred to Mess^s. Loomis and Spooner.

A Petition for a Land Tax on the Town of Hancock was received from the house with this order thereon: "In General Assembly Oct^r. 17, 1806. Referred to the Fourth Joint Land Tax Committee. Att. M. Post Clk"—in which reference the Governor and Council concurred.

A Petition for a Land Tax on the Town of Hopkinville [Hopkinsville, now Kirby,] was received from the house with this order thereon: "In General Assembly Oct^r. 17, 1806, referred to the Third Joint Land Tax Committee. Att. M. Post Clk"—in which reference the Governor and Council concurred.

The Petition of John Durkee praying for an allowance for a mistake made in the Grand List of the Town of Stockbridge for the year 1805, and one from Seth Crow,[1] praying that compensation might be made him for lands now situated in the State of New York by the running of the divisional line between this State and that, were received from the house with this order on each: "In General Assembly Oct. 17, 1806. Read and referred to the Joint Committee of Claims. Att. M. Post Clk"—which were read and Resolved, To concur with the house in their said reference.

The Petition of Norman Webber for relief in laying the Centre Turnpike Road thro' his Farm, was received from the house with this order thereon: "In General Assembly Oct^r. 17, 1806. Read and referred to Mess. Sam^l Collins, Wilmarth, and Henry to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M^r. Shepardson join the above Committee from the house.

Petitions from the Selectmen of Windham and Londonderry, respecting the public lands in said Towns, were received from the house with this or a similar order on each: "In General Assembly Oct^r. 17, 1806. Read and Referred to Mess^s. Duncan, T. Hutchinson and P. Smith, to join a Committee from Council. Att. M. Post Clk"—which was read and Ordered, That M^r. Spooner join the above Committee from the house.

Adjourned untill 9 O'clock To morrow morning.

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[1] Craw in the Assembly journal.

SATURDAY, October 18th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed bill, passed in the house of Representatives, Entitd "An act constituting a Company of Artillery in the Town of Bakersfield," was sent up for revision & read, and it was Resolved, To concur with the house in passing said bill into a Law.

The Honl. Elias Keyes Esqr. elected a Councillor for the year ensuing, appeared in the Council Chamber, signified his acceptance of that office, and the oaths prescribed by the Constitution being administered to him by the Lt. Governor, he took his seat at the Council Board.

On Motion, Mr. Shepardson obtained leave to introduce a bill Entitled "An act in addition to an act Entitled an act ascertaining the principles on which the list of this State shall be made," which was read & Ordered, That it lie on the table.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Petition of Nathaniel Moseley, for an act of suspension, was received from the house with this order thereon: "In General Assembly Octr. 18, 1806. Read and referred to the joint Committee of suspension &c. Att. M. Post Clk."—which was read, and Resolved, To concur with the house in the said reference.

A Petition for a Bank at Westminster was received from the house with this order thereon: "In General Assembly Octr. 18, 1806. Read and referred to the joint Committee on Banks. Att. M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

The following Resolution was received from the house—"In General Assembly Octr. 18, 1806. Resolved that the General Assembly do hereby request the Governor and Council to transmit to the President of the United States, information of the measures directed and taken by this Government, to ascertain the *Northward* boundary of this State, and the result of the observations and calculations made for that purpose, and request the General Government to take proper measures to ascertain and fix the North line of this State. And also that they transmit to the Governor of the State of New York the like information, that the Government of New York may cooperate with this State in the same object, if they should deem it worthy of their attention. Read and adopted. Att. M. Post Clk."—and the same being read, Ordered, That it lie on the Table.

Adjourned untill 9 O'clock on Monday Morning.

MONDAY, October 20th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

Two Petitions for a Land Tax on the Town of Lunenburgh were again received from the house with this new order thereon: "In General Assembly Octr. 18, 1806. Report read and Petitions recommitted to the same Committee to Join &c. Att. M. Post Clk."—in which recommittment the Governor and Council concurred.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act constituting and appointing a Company of Light Infantry in the First Regiment in the Second Brigade and Fourth Division of the Militia of this State," and "An act constituting and appointing a Company of Light Infantry in the second Regiment, Second Brigade and second Division of the Militia of this State," and the said bills being severally read, Ordered, That they be referred to Mr. Galusha and Mr. Wright.

"An act in addition to an act Entitled an act establishing a County Grammar School at Norwich in the County of Windsor" was received from the house with this order thereon: "In General Assembly Oct^{r} 16th, 1806. This bill was brot. in on motion of M^{r}. Buck, read and ordered to lie on the table. Oct^{r}. 18, Referred to Mess^{s}. Hendee, Henry & Whitney to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M^{r}. Loomis join the above Committee from the house.

"An act enabling Charles Miller, a subject of his Brittannic Majesty, to hold certain lands," was received from the house with this order thereon: "In General Assembly Oct^{r}. 18th, 1806. Read and referred to Mess^{s}. Buck, Rich, Moffit, D. Dana, and Beach, to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M^{r}. Keyes join the above Committee from the house.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—"An act directing the Treasurer to pay to Jesse Leavenworth the sum therein mentioned," was received from the house with this order thereon: "In General Assembly Oct^{r}. 20, 1806. This bill was brot. in on motion of leave by M^{r}. Moffit, read and referred to the Joint Committee of Claims. Att. M. Post Clk"—which was read, and Resolved, To concur with the house in their said reference.

The Petition for a Land Tax on Holland was again received from the house with this new order thereon—"In General Assembly Oct^{r}. 20, 1806. Report read and ordered that the Petition be recommitted to the former Joint Committee. Att. M. Post Clk"—In which recommittment the Governor and Council concurred.

The following resolution was received from the house: "In General Assembly Oct^{r}. 20, 1806. Resolved, the Governor and Council concurring herein, that both branches of the Legislature meet in their separate houses tomorrow morning at ten O'clock, and then and there proceed to ballot for some suitable person as a Senator to represent this State in the Senate of the United States, for six years from and after the third day of March next, and that immediately afterwards, both houses meet in joint Committee, in the Representatives' room, for the purpose of declaring the person elected.—And that if the two houses do not agree on the same person, that, then, they proceed by joint Ballot to elect a suitable person as Senator as aforesaid. Read and adopted. Att. M. Post Clk"—and the same being read, Resolved, To concur therein.

The following resolution was received from the house—"In General Assembly Oct^{r}. 20, 1806. Resolved, That a Committee of three be appointed to join such Committee as the Governor and Council shall appoint, to take into consideration "an act defining what shall be deemed and adjudged a legal settlement, and for the support of the poor, for designating the duties and powers of the overseers of the poor, and for the Punishment of idle and disorderly persons," and also "an act for the relief of Idiots and distracted persons," and to report to this house, by bill or bills, or otherwise, what alterations and amendments, if any, are necessary in said acts. Read and Adopted, and Mess^{s}. Bradley, D. Chipman and Potter appointed a Committee from the house. Extract from the Journals, Att. M. Post Clk"—which was read, and Ordered, That M^{r}. Keyes join the Committee appointed by the house on the above resolution.

The Committee on the bill Entitled "An act constituting and appointing a Company of Light Infantry in the Second Regiment, second Brigade and second division of the Militia of this State," reported sundry amendments to be made to the same, which were adopted, and it was

Resolved, To concur with the house in passing said bill into a Law, with the said proposals of amendment, and Mr. Galusha was requested to inform the house of the reasons of Council for proposing the same.

The Committee on the bill Entitled "an act constituting and establishing a Company of Light Infantry in the first Regiment in the second Brigade and fourth Division of the Militia of this State," reported sundry amendments to be made in the same, which were adopted, and then it was Resolved, To concur with the house in passing said bill into a Law, as amended, and Mr. Galusha appointed to inform the house of the reasons of Council in proposing said amendments.

The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment: "An act laying a Tax of four cents per acre on the Town of Townsend," and "An act laying a Tax of two cents per acre on the Town of Belvidere," and being severally read and considered, Resolved, To concur with the house in passing them into Laws.

Adjourned untill 9 O'clk Tomorrow morning.

Tuesday, October 21st, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

Ordered, That the Secretary acquaint the house of Representatives that the Governor and Council are now ready in their chamber to proceed by ballot to the choice of a Senator to represent this State in the Congress of the United States, for six years from and after the third day of March next.

Mr. Shaw, Member of the house of Representatives, appeared in the Council Chamber and informed the Governor and Council that the house would instantly proceed, by ballot, to the choice of Senator as aforesd.

On motion, Resolved, That the Governor and Council do now proceed to ballot for some suitable person for Senator as aforesaid—and the ballots being taken, sorted and counted, The Honble Stephen R. Bradley Esqr. had a Majority of all the votes and was declared duly elected on the part of the Council.

Mr. Wm. C. Harrington, Member of the house of Representatives, appeared in the Council Chamber and informed the Governor and Council that the house had balloted for a Senator and were now ready to meet the Governor and Council, in the Representatives' Room, compare their respective nominations, and proceed according to law.

The Governor and Council accordingly proceeded to the Representatives' room, for the purpose above mentioned, and met the house in joint Committee, when the above proceedings of the Governor and Council were read, and the proceedings of the house as follows—

"In General Assembly Octr. 21, 1806.—Pursuant to the concurrent resolution of both houses of the 20th Inst. the General Assembly proceeded to ballot for a person to represent this State in the Senate of the United States for six years from and after the third day of March next. The ballots being taken, sorted, counted and examined, the Honl. Stephen R. Bradley Esquire was duly elected on the part of the house. Extract from the Journals of Assembly, Att. M. Post Clk." And it appearing that the Honl. Stephen R. Bradley Esqr. had a majority of all the Votes in both branches of the Legislature, he was declared duly elected a Senator to represent this State in the Congress of the United States for the Term of six years from and after the third day of March next—And public proclamation of the same was made by the Sheriff of Addison

County by the direction of his Excellency the Governor—and the Governor & Council returned to their Chamber.

An Engrossed bill, passed in the house of Representatives, Entitled "An act altering the name of Billymead in the County of Caledonia to that of Exeter" was sent up for revision &c. and being read & Considered, Resolved, To nonconcur with the house in passing said bill into a Law, and for the following reasons, viz.—It appears to the Governor and Council that the alteration of the Charter name of a Town ought never to take place without good reasons, as landowners, living at a distance, would be unlikely to hear of the same and might be deceived in the granting of Land Taxes on their lands in said Town, as they would be advertised by another name after four Years, and by that means loose their lands—and as the only reason offered by the Petitioners for altering the name of said Town is its length, the same reason would apply for alterations in the names of nearly half the Towns in this State—and further, on all future trials, involving the title of land in said Town, this special act must be procured, as the new name to be given said Town contravenes all former conveyances.

Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—An act laying a Tax of one cent on each acre of land in Caledonia County was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 21, 1806. This bill was bro$^{t.}$ in on motion of leave by M$^{r.}$ Moffit, read and referred to Mess$^{s.}$ Potter, Westgate, and E. Fitch to join a Committee from Council. Att. M. Post Clk."—and being read, Ordered, That M$^{r.}$ Galusha join the above Committee from the house.

A bill, passed in the house of Representatives, Entitled "An act to incorporate the Proprietors of an Acqueduct in the East Parish in Westminster in the County of Windham," was sent up for revision &c. read and Ordered, That it be referred to M$^{r.}$ Witherell for amendment

An Engrossed bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay D$^{r.}$ Samuel Williams the sum therein mentioned," was sent up for revision &c. & being read, was amended by inserting after the word "State," in the sixth line, these words, "for his services and expences in ascertaining the Northern Boundary thereof," and then it was Resolved, To concur with the house in passing the same into a law, as amended.

M$^{r.}$ Witherell, to whom was referred the bill Entitled "An act to incorporate the Proprietors of an acqueduct in the East Parish in Westminster in the County of Windham," reported sundry amendments to be made to said bill, which were adopted, and then it was Resolved, To concur with the house in passing the same into a law, as amended, and M$^{r.}$ Witherell was appointed to inform the house of the reasons of Council in proposing said amendments.

Adjourned until 9 O'clk Tomorrow morning.

Wednesday, October 22^{nd,} 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council proceeded to the Representatives' room and met the house in joint Committee, agreeably to the adjournment, for the purpose of compleating the Election of the County Officers for the year ensuing, and having progressed in the same, the joint Committee adjourned untill Tuesday next at ten o'clk A. M. and the Governor & Council returned to their Chamber and adjourned untill 2 o'clock P. M.

2 O'clock P. M.—Benjamin Swan Esquire, elected Treasurer of the State for the year ensuing, appeared in the Council Chamber, produced his bonds executed according to Law, which being approved by the Council, the necessary oaths were administered to him by the Governor.

An act granting to George Tiffany and Stephen Judd certain rights &c. in Otter Creek, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 22$^{nd.}$ 1806. Read the first time and referred to Mess$^{s.}$ Brigham, Newell & Fox to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M$^{r.}$ White join said Committee from the house.

A Petition from the Inhabitants of Essex, for an additional act enabling them to perfect their divisional and other land lines and titles, was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 23 [13,] 1806. Read and referred to Mess$^{s.}$ Clap, Brigham and Littlefield. Oct$^{r.}$ 22$^{d.}$ The Committee ordered to join a Committee from Council. Att. M. Post Clerk"—and the same being read, Ordered, That M$^{r.}$ Wheelock join the above Committee from the house.

An act establishing the Town lines of Berkshire was received from the house with this order thereon: "In General Assembly Oct$^{r.}$ 22$^{d.}$ 1806. Read and referred to Mess$^{s.}$ Edson, Sheldon, and Emerson to join a Committee from Council. Att. M. Post Clk"—and the same being read, Ordered, That M$^{r.}$ Chittenden join the above Committee.

The following resolution was received from the house: "In General Assembly Oct$^{r.}$ 22, 1806. Resolved, That a Committee of five, to join a Committee from Council, be appointed to enquire into the validity of the Charter of the Township of Wheelock, and make report to this house. Read and adopted, and Mess$^{s.}$ Chase, D. Chipman, Moffit, A. Lyon and Potter were appointed a Committee from the house. Att. M. Post Clerk"—which was read and Ordered, That M$^{r.}$ Keyes and M$^{r.}$ Wheelock join the above Committee.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act appropriating a sum of money therein mentioned for defraying the Expences of the Council of Censors," was sent up for revision and concurrence or proposals of amendment, and being read, it was Resolved, To concur with the house in passing the said bill into a Law.

Adjourned untill 9 O'clock Tomorrow morning.

Thursday, October 23$^{rd.}$ 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and Concurrence or proposals of amendment: "An act annexing Marvin's Gore to the Town of Highgate," "An act directing the Treasurer to credit the Town of Plymouth the sum therein mentioned," and "An act to legalize the first meeting of the Passumpsic Turnpike Company"—and the same being severally read and considered, Resolved, To concur with the house in passing them into laws, respectively.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—An Engrossed bill, passed in the house of Representatives, Entitled "An act laying a Tax of two cents per acre on the Town of Morristown," was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a law.

Adjourned untill 9 O'clock Tomorrow morning.

FRIDAY, October 24th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of William Barton was again received from the house with this new order thereon: "In General Assembly Oct$^{r.}$ 17$^{th.}$ 1806. Report read and ordered to lie on the table and be made the order of the day on Tuesday next. Oct$^{r.}$ 24. Called up, report read, and with the Petition recommitted to the former joint Committee with the addition of Mess$^{s.}$ Wheatley and Denison from the house, with directions to state facts and make report. Att. M. Post Clk"—and the said report and order of the house being read, Resolved, To concur in the said recommittment of the house thereon.

The following resolution was received from the house—"In General Assembly Oct$^{r.}$ 24$^{th.}$ 1806. Resolved, The Governor and Council concurring therein, that both houses meet in the Representatives' room at 10 o'clock on Tuesday morning next, for the purpose of appointing a Judge of the County Court of Rutland County, to supply the vacancy made by the resignation of Nathan B. Graham in said Court, to the first day of December next. Extract from the Journal—Att. M. Post Clk."—which was read, and Resolved, To concur with the house therein with this proposal of amendment to be made to the same, [by adding the words] "and also a Surveyor General for the year ensuing."

The Petition of Jonathan Parker was again received from the house with this new order thereon—"In General Assembly Oct$^{r.}$ 24$^{th.}$ 1806. Ordered, That the Petition be recommitted to the former joint Committee. Att. M. Post Clk"—in which recommittment the Governor & Council concurred.

Adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.—An Engrossed bill, passed in the house of Representatives, Entitled "An act relating to the State Printing," was sent up for revision &c. read, and Ordered, That it be referred to M$^{r.}$ Galusha and M$^{r.}$ Loomis.

M$^{r.}$ Chittenden, the Committee appointed on the "act establishing the town lines of Berkshire," requested to be excused from serving as a Committee on said bill, as he was interested in some of the towns which might be affected by the determination of this bill, whereupon Resolved, That he be excused, & that Gov$^{r.}$ Brigham be appointed in his room.

On motion of M$^{r.}$ Galusha, he was excused from sitting as one of the Committee appointed by the Council on the "act laying a Tax of one cent on each acre of land in the County of Caledonia," and M$^{r.}$ Keyes appointed in his stead.

The Committee to whom was referred the bill Entitled "An act relating to State printing," reported sundry amendments to be made to the same, which were rejected, and on motion, the bill was amended by inserting in the 9th line, after the word "on," these words, "and on a page equal in size to that of the Laws of the United States." and on Motion of Gov. Brigham, that the word "Four" in the fifth line be erased and the word "two" be inserted in its stead, the Yeas and Nays being required by M$^{r.}$ Spooner were as follows—viz.—Yeas, Gov$^{r.}$ Brigham, Mess$^{s.}$ Galusha, Chittenden, Keyes, Loomis, Niles and Fletcher. Nays, Mess$^{s.}$ Wheelock, Shepardson, Witherell, White, Spooner and Wright. Yeas 7, Nays 6, so the amendment was adopted, and on motion Resolved, To concur with the house in passing the said bill into a Law, as amended, and M$^{r.}$ Galusha requested to inform the house of the reasons of Council for proposing said amendments.

Adjourned untill 9 O'clock Tomorrow morning.

SATURDAY, October 25th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, The house of Representatives concurring herein, that the Governor and Council and house of Representatives meet in joint Committee in the Representatives' room, at ten O'clock A. M. of Tuesday next for the purpose of electing a Brigadier General of the Second Brigade and Second Division of the Militia of this State, to supply the vacancy occasioned by the resignation of Amos Kellogg——also for the purpose of electing a Brigadier General of the second Brigade and fourth Division of our Militia, to supply the vacancy occasioned by the resignation of Parley Davis—and also for the purpose of electing a Brigadier General of the third Brigade and fourth Division of our Militia, to supply the vacancy occasioned by the resignation of Joel Roberts. Ordered, That the Sheriff carry the above resolution to the house.

The following communication was received from the house: "In Council of Censors, Middlebury, Oct^{r} 21st, 1806. Resolved, That this Council recommend to the Legislature now sitting to repeal the Second Section of an act Entitled "An act to empower the Judges of the Supreme Court to grant Bills of Divorce, and to repeal parts of certain acts therein mentioned," for that the Council consider said section to infringe upon the rights of Citizens, as granted by the 39th Section of the Constitution of this State. Extract from the Journals--Attest Isaac Clark Sec^{y} Pro Tem"—on which resolution the house had passed this order: "In General Assembly Oct^{r} 24, 1806. Read and referred to the joint Committee on the bill brought in by M^{r} Hutchinson on the same subject as the within. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act laying a Tax of three cents per acre on the Town of Underhill," was sent up for revision &c. read, and Ordered, To lie on the table.

Adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.—An act regulating Attornies' fees in certain cases was received from the house with this order thereon: "In General Assembly Oct^{r} 24th, 1806. Read and referred to the Committee on the fee Bill, to join &c. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

A bill Entitled "An act laying a tax of one and a half cent per acre on Kellyvale" [Lowell,] was received from the house with this order thereon: "In General Assembly Oct^{r} 25th, 1806. Read the second time and on motion recommitted to the First joint land Tax Committee. Att. M. Post Clk"—in which recommittment the Governor & Council concurred.

The following resolution was received from the house—"In General Assembly Oct^{r} 25, 1806. Resolved that a Committee of three members be appointed from this house, to join such Committee as the Governor and Council may appoint, to take into consideration the law relating to Grand Jurors and to enquire whether it is expedient so to modify the law as that the Grand Jury when sitting before the Supreme Court may enquire after neglects in repairing roads and bridges and to enquire for offences against the laws which direct the licencing of retailers and tavernkeepers, and to present bills of indictment when found to the County Courts. Members chosen on the part of the house, Mess^{rs} Olin, Chase and T. Hutchinson. Extract from the Journals, Att. M. Post Clk"—and the same being read, Ordered, That M^{r} Galusha join the Committee from the house on the aforesaid resolution.

The following resolution was received from the house—"In General

Assembly Oct$^{r.}$ 25, 1806. Resolved, that there be a Committee appointed, consisting of three Members, to join a Committee from Council, to take under consideration "an act Entitled an act regulating the office and duty of Sheriff, High-Bailiff, their respective Deputies, and Constables," and report to this house such alterations and amendments, if any, as they may deem necessary and expedient, by bill or otherwise. Read, adopted and Mess$^{s.}$ W$^{m.}$ C. Harrington, Spencer and Dewey appointed a Committee on the part of the house. Att. M. Post Clk"—and the same being read, Ordered, That Governor Brigham join the aforesaid Committee from the house.

A bill Entitled An act establishing the town lines of Berkshire was again received from the house with this new order thereon: "In General Assembly Oct$^{r.}$ 25^{th,} 1806. Read and recommitted to former joint Committee. Att. M. Post Clk"—in which recommittment the Governor & Council concurred.

Adjourned untill 9 O'clock on Monday Morning.

MONDAY, October 27^{th,} 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill Entitled "An act directing the appointment of Turnpike Inspectors," was again received from the house with this new order thereon: "In General Assembly Oct$^{r.}$ 25^{th,} 1806. Read the second time, amended and recommitted to the former joint Committee. Attest M. Post Clk"—in which recommittment the Governor & Council concurred.

An Engrossed Bill, passed in the house of Representatives, Entitled "An act to authenticate the records and proceedings of the town of Richford," was sent up for revision &c. read, and Ordered, That it be referred to M$^{r.}$ Galusha.

An Engrossed bill, passed in the house of Representatives, Entitled "An act authorising the Proprietors of Waterford to pitch their undivided lands in said town, and establish pitches allready made," was sent up for revision &c. read, and Ordered, That it be referred to Gov$^{r.}$ Brigham.

The bill Entitled "An act laying a Tax of three cents per acre on the town of Underhill," was again read, and it was Resolved, To concur with the house in passing said bill into a law.

On motion, M$^{r.}$ Galusha obtained leave to introduce a bill Entitled "An act to amend an act Entitled an act establishing the form of Oaths, passed Oct$^{r.}$ 31^{st,} 1797," which was read, passed and ordered to be engrossed and sent to the house of Representatives for their concurrence.

The following message was received from the house: "In General Assembly Oct$^{r.}$ 25^{th,} 1806. Resolved, that this house concur with the Governor and Council in their proposed amendments to the following bills, and the same have become laws, to wit, A bill Entitled An act directing the Treasurer to pay to Doct$^{r.}$ Samuel Williams the sum therein mentioned, A bill Entitled An act to incorporate the Proprietors of an acqueduct in the East Parish in Westminster, and A bill Entitled An act constituting and appointing a Company of Light Infantry in the first Regiment second Brigade and fourth Division of the Militia of this State. Also, Resolved, that this house concur with the Governor and Council in their resolution appointing a time for the meeting of both houses in joint Committee for the purpose of electing certain Brigadier Generals, and also. Resolved, to concur with the Governor and Council in their proposed amendment to the resolution for meeting in joint Committee for the purpose of electing a Judge of the County Court in

the County of Rutland in the room of Nathan B. Graham Esquire resigned. Extract from the Journals, Att. M. Post Clerk."

An Engrossed bill, passed in the house of Representatives, Entitled An act granting a right of keeping a ferry to Benjamin Bell, was sent up for revision &c. read, and Ordered, That it be referred to Mr. White and Mr. Niles.

A remonstrance from Daniel Willcox, against passing the last mentioned bill, was read, and Ordered, That it be referred to the Committee on the same.

The following resolution was received from the house—"In General Assembly Octr. 25, 1806. Resolved, That his Excellency the Governor be requested, by and with the advice of Council, to appoint Thursday the fourth day of December next as a day of public thanksgiving and praise throughout this State. Extract from the Journals, Att. M. Post Clk"—and the same being read, Resolved, That the Council advise the Governor to issue his proclamation in compliance with the request contained in the above resolution.

Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—The Petition of Norman Webber was again received from the house with this new order thereon: "In General Assembly Octr. 27, 1806. This Petition recommitted to the former joint Committee with the addition of Messs. Olin, J. Herrenton [1] and A. Lyon and the Committee directed to report by bill or otherwise. Att. M. Post Clk"—and the Governor & Council concurred in said recommittment.

The Committee to whom was referred the bill Entitled "an act granting the right of keeping a ferry to Benjamin Bell," reported the following resolution—Resolved, the house of Representatives concurring herein, that the bill Entitled "an act granting the right of keeping a ferry to Benjamin Bell," be referred to the next session of the Legislature—which report was accepted, and Ordered, That it be transmitted to the house by a member, and that he assign to the house the reasons for the same. Member chosen, Mr. White.

An Engrossed bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay to Jonathan Holton the sum therein mentioned," was sent up for revision &c. read & Resolved, To concur with the house in passing said bill into a Law.

The Petition of Abel Jackman and others, praying the repeal of the act establishing the Jurisdictional lines between the towns of Vershire and Corinth in the County of Orange, was again received from the house with this new order thereon: "In General Assembly Octr. 27th, 1806. Report read and recommitted to former joint Committee. Att. M. Post Clk."—in which recommitment the Governor and Council concurred.

An Engrossed bill, passed in the house of Representatives, Entitled "An act empowering the Selectmen of Hubbarton and Sudbury in the County of Rutland to draw off the waters of certain millponds," was sent up for revision &c. read and Ordered, That it be referred to Mr. Witherell.

The bill Entitled "An act relating to State Printing," to which the Governor and Council had proposed certain amendments on the 25th Inst., was returned from the house with this new order thereon: "In General Assembly Octr. 27, 1806.—Resolved, that the house do concur

[1] James Harrington. The name is frequently written Herrenton in the journals.

with the Governor and Council in their last proposed amendment to this bill—also, Resolved, that this house do nonconcur with the Governor and Council in their first proposed amendment, and that Mr. T. Hutchinson return the bill to the Governor & Council with the reasons of the house. Att. M. Post Clk"—and Mr. T. Hutchinson, after assigning the reasons for the same, withdrew—and the same being again read, it was Resolved, To rescind from the amendment nonconcurred by the house, and to concur with the house in passing the same with the last proposed amendment.

The Committee, to whom was referred the bill Entitled "An act empowering the Selectmen of Hubbarton and Sudbury in the County of Rutland to draw off the waters of certain mill-ponds," reported an amendment to be made to the same, which was adopted, and then it was Resolved, To concur with the house in passing said bill into a law, as amended, and Mr. Witherell appointed to inform the house of the reasons of Council in proposing said amendments.

Adjourned untill 9 O'clock Tomorrow morning.

Tuesday, October 28th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house—"In General Assembly Octr. 27, 1806. Resolved, to concur with the Governor and Council in their proposed amendments to the bill Entitled "An act constituting and appointing a Company of Light Infantry in the second Regiment in the second Brigade and second Division of the Militia of this State." and the said bill has passed into a Law—also Resolved, to concur with the Governor and Council in their resolution referring to the next session of the Legislature a bill Entitled "An act granting the right of keeping a ferry to Benjamin Bell." Extract from the Journals, Att. M. Post Clk."

A bill Entitled "An act to amend an act Entitled an act directing the proceedings against the Trustees of concealed or absconding debtors," was received from the house with this order thereon: "In General Assembly Octr. 27, 1806. This bill was reported by Committee, report accepted and the bill recommitted to former joint Committee with the addition of Messs. N. Chipman, [Wm. C.] Bradley and Olin. Att. M. Post Clk"—in which recommittment the Governor and Council concurred.

A bill Entitled "an act in addition to an act Entitled an act directing the mode of election of Governor, Lt. Governor, Treasurer of the State, Councillors and Representatives," was received from the house with this order thereon—"In General Assembly Octr. 27, 1806. This bill was reported by Committee, read and the report accepted—on motion the bill was recommitted for amendment to the former joint Committee. Att. M. Post Clk"—in which recommittment the Governor and Council concurred.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment —viz. "An act directing the Secretary of State to record those laws of the last session which remain unrecorded," "An act laying a tax of three cents per acre on the town of Cabot," and "An act laying a tax of five cents per acre on the town of Vineyard" [Isle La Motte,] and the same being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

Pursuant to adjournment and the Concurrent resolution of both

houses, the Governor and Council proceeded to the Representatives' room, and met the house in joint Committee for the purpose of compleating the elections of the County Officers, & electing an assistant Judge of the Rutland County Court to supply the vacancy occasioned by the resignation of Nathan B. Graham, a Surveyor General, and sundry Brigadier Generals,[1] and having finished the same the joint Committee was dissolved and the Governor and Council returned to their chamber and adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.—On motion of Mr. Witherell, Resolved, To reconsider the vote concurring with the house in passing the bill Entitled "An act laying a Tax of three cents per acre on the town of Cabot," and to concur with the house in passing the same with this amendment, insert the word "Matthias" in lieu of the word "Moses," in the seventh line, and Mr. Witherell appointed to inform the house of the reasons for the same.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a Tax of two cents per acre on the town of Westford, An act annexing part of Panton to the Town of Weybridge," and "An act concerning Mortgages, and Tenants in Common"—and the said bills being severally read and considered, it was Resolved, To concur with the house in passing them, respectively, into laws.

The following message was received from the house—"In General Assembly Oct$^{r.}$ 28^{th,} 1806. Resolved to concur with the Governor and Council in passing the bill Entitled "an act to amend an act Entitled an act establishing the forms of oaths, passed Oct$^{r.}$ 31, 1797," and the same has become a law of this State. Extract from the Journals, Attest Martin Post Clk."

The Petition from the Town of Concord was again received from the house with this new order thereon—"In General Assembly Oct$^{r.}$ 28, 1806. Report read and Petition recommitted to former joint Committee. Att. M. Post Clk"—in which recommittment the Governor and Council concurred.

The Committee on the bill Entitled "An act to authenticate the records and proceedings of the town of Richford," reported that it ought to become a Law—whereupon Resolved, To concur with the house in passing said bill into a law.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to and alteration of an act Entitled An act granting to the Common Council of the City of Vergennes liberty to raise by lottery the sum of two thousand five hundred dollars" &c. was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a Law, with this proposal of amendment, insert the word "eight," in the fifth line, in lieu of the word "ten," and Mr. Loomis requested to inform the house of the reasons of Council.

Adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY, October 29^{th,} 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act

[1] The following named persons were elected: Isaac Clark assistant judge of Rutland County; Joseph Beeman jr. Surveyor General; Horace Olds, Micah Barron, and William Cahoon, Brigadier Generals.

laying a tax of three cents per acre on the town of Roxbury, An act laying a tax of three cents per acre on the town of Warren, An act laying a tax of three cents per acre on the town of Lunenburgh, An act laying a tax of three cents per acre on the town of Holland, An act laying a tax of three cents per acre on the town of Windham, & An act laying a tax of four cents per acre on the town of Sheffield," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

The following message was received from the house—"In General Assembly Oct$^{r.}$ 28, 1806—Resolved to concur with the Governor and Council in their amendments proposed to a bill Entitled "an act laying a tax of three cents per acre on the town of Cabot," and a bill Entitled "An act empowering the Selectmen of Hubbarton and Sudbury to draw off the waters of certain mill-ponds"—And the said bills have become laws of this State. Extract from the Journals. Att. M. Post Clk."

An Engrossed bill, passed in the House of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Morgan," was sent up for revision &c. read and Ordered, That it be referred to M$^{r.}$ Wright.

A bill Entitled "an act establishing the pitch of the public lands in Windham and Londonderry," was received from the house with this order thereon—"In General Assembly Oct$^{r.}$ 28, 1806—Read the second time and recommitted to the former joint Committee with the addition of Mess$^{s.}$ Chase, D. Chipman and Rich. Att. M. Post Clk"—in which recommittment the Governor and Council concurred.

An Engrossed bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on Kelley's Grant N$^{o.}$ 2," was sent up for revision &c. read, and Ordered, That it be referred to M$^{r.}$ Chittenden.

An Engrossed bill, passed in the house of Representatives, Entitled "an act annexing a part of the town of Pittsfield to the Town of Rochester," was sent up for revision &c. read, amended, and then Resolved, To concur with the house in passing the same into a law, with the said proposals of amendment, and M$^{r.}$ Galusha requested to inform the house of the reasons of Council for proposing the same.

The Committee, to whom was referred the bill Entitled "An act authorising the Proprietors of Waterford to pitch their undivided lands in said town, and establish pitches allready made," reported an amendment to be made to the same, which report was accepted, and it was Resolved, To concur with the house in passing said bill into a law, with said proposal of amendment, and M$^{r.}$ Galusha appointed to inform the house of the reasons of Council for proposing the same.

The bill Entitled "An act in addition to and alteration of an act granting to the Common Council of the City of Vergennes liberty to raise by Lottery the sum of two thousand five hundred dollars" &c. was returned from the house by M$^{r.}$ Rich, a member, with this order thereon—"In General Assembly Oct$^{r.}$ 29, 1806. Read and resolved to nonconcur with the Governor and Council in their amendment to this bill, and that a member be appointed to carry up the same and assign the reasons of the house for their nonconcurrence. Member chosen, M$^{r.}$ Rich. Attest M. Post Clk"—and after assigning the reasons, M$^{r.}$ Rich withdrew—whereupon, on motion, Resolved, To rescind the vote proposing said amendment to said bill, and to concur with the house in passing the same into a Law without amendment.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A bill, passed in the house of Representatives, Entitled "An act directing the appointment of Turnpike Inspectors, and

regulating their office and duty," was sent up for revision &c. read, and referred to Messrs. Witherell & Galusha.

The Committee, to whom was referred the bill Entitled "An act laying a Tax of three cents per acre on Morgan," reported an amendment to be made to said act, which was accepted, & Resolved, To concur with the house in passing said bill into a law, with said proposal of amendment, and Mr. Wright appointed to inform the house of the reasons of Council in proposing the same.

The Petition of Norman Webber was a third time received from the house with this new order thereon: "In General Assembly Octr. 29, 1806. —This Petition and the enclosed bill recommitted to former joint Committee, and the Committee directed to state facts and to report by bill or otherwise. Attest M. Post Clk."—in which recommittment the Governor & Council concurred.

The Committee on the bill Entitled "An act directing the appointment of Turnpike Inspectors, and regulating their office and duty," reported that it ought to pass, whereupon Resolved, To concur with the house in passing said bill into a Law.

Adjourned untill 9 O'clock Tomorrow morning.

THURSDAY, October 30th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and Concurrence or proposals of amendment—"An act laying a Tax of two cents per acre on the town of Sunderland, An act laying a tax of three cents per acre on the town of Concord, An act directing the Treasurer to credit the Town of Richmond the sum therein mentioned, An act laying a tax of two cents per acre on the town of Ferrisburgh," and "An act granting a new trial to Archibald Prichard," and the said bills being severally read and considered, it was Resolved, To concur with the house in passing them, respectively, into Laws.

A bill, passed in the house of Representatives, Entitled "An act granting to Daniel Hurlbut the exclusive right of building a toll Bridge across Onion River," was sent up for revision &c. read & Ordered, That it be referred to Mr. Witherell.

The following message was received from the house: "In General Assembly Octr. 29, 1806. Resolved to concur with the Governor and Council in their amendments to the following bills, viz. A bill Entitled "An act annexing a part of the town of Pittsfield to the Town of Rochester," and A bill Entitled "An act authorising the Proprietors of Waterford to pitch their undivided lands in said town and establish pitches allready made"—And the said bills have become laws of this State. Extract from the Journals, Att. M. Post Clk."

A bill Entitled "An act to restrain the practice of giving spirituous liquors on the day of election &c." was received from the house with this order thereon—"In General Assembly Octr. 29th, 1806—Read the 1st time and referred to the joint Committee on the bill relating to the election of Governor, Lt. Governor &c. Attest M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

The bill Entitled "An act laying a tax of three cents per acre on the town of Morgan," to which the Governor and Council had yesterday proposed an amendment, was returned from the house by Mr. E. Robinson, a Member, with this order thereon—"In General Assembly Octr. 30, 1806. Resolved to nonconcur with the Governor and Council in

their proposed amendment to this bill, and that Mr. E. Robinson be a Committee to carry up the said bill and assign the reasons of the house. Att. M. Post Clk"—and after assigning the reasons, Mr. Robinson withdrew, and the said bill and amendment being read, on motion, Resolved, To rescind from the said proposed amendment, and to concur with the house in passing the same into a Law.

The following resolution was received from the house: "In General Assembly, Oct^{r} 29, 1806. Resolved, that the following persons, viz. Stephen Conant, Martin Cheney, William Emerson, Nahum Mower and others, Mechanicks of the town of Windsor, be incorporated into a Society, by the name of the Windsor Mechanick Association, with such privileges and immunities as are usual in such cases. Oct^{r} 30: Read and referred to the Joint Committee on the Petition of the Grand Lodge, to report by bill or otherwise. Att. M. Post Clk"—and the same being read, Resolved, To concur with the house in their said reference.

Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—A bill Entitled "An act in addition to and explanation of an act Entitled An act regulating the Office and duty of Sheriff" &c. was received from the house with this order thereon—"In General Assembly Oct^{r} 30, 1806—Reported by Committee, read and amended, and on motion recommitted to former joint Committee for further amendment. Att. M. Post Clk."—in which recommittment the Governor & Council concurred.

A bill, passed in the house of Representatives, Entitled "an act in addition to an act Entitled an act reducing into one the several acts for laying out, repairing and clearing highways," was sent up for revision &c. read, amended, and Resolved, To concur with the house in passing the same into a law, with the said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons for proposing the same.

A bill, passed in the house of Representatives. Entitled "An act empowering the Selectmen of Wells and Poultney in the County of Rutland to draw the waters of a certain Mill-Pond raised in Wells and Poultney, to their ancient and natural level, at certain seasons of the year," was sent up for revision &c. read, amended, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment.

Adjourned untill 9 O'clock Tomorrow morning.

Middlebury, Friday, October 31st, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, Entitled "An act in addition to and explanation of an act Entitled an act regulating the office & duty of Sheriff &c." was again received from the house with this new order thereon: "In General Assembly Oct^{r} 30, 1806—report read and accepted, and the bill read and recommitted to the former joint Committee. Attest M. Post Clk."—in which recommittment the Governor and Council concurred.

A bill Entitled "An act directing the Treasurer to pay to Tim^{o} F. Chipman and Henry Hall the sum therein mentioned," was received from the house with this order thereon—"In General Assembly Oct^{r} 30th, 1806. This bill was brot in on motion of leave by Mr. Rich—Read the 1st time & Referred to Messrs. Buck, Shaw, Hendee, Rich and Whitney, to join a Committee from Council. Attest M. Post Clerk"—and

the same being read, Ordered, That Gov^r. Brigham join the above Committee.

The following resolution was received from the house—"In General Assembly Oct^r. 30^th. 1806—Whereas, it is of the utmost importance in a good government, that the laws should be uniform and easy to be understood, and that the means of ascertaining the line of duty should be made as cheap and easy as possible, not only to those who hold Offices in the government, but to every individual citizen in subjection to it—and, Whereas, there has been no revision of the Statutes of this State for nearly ten years, and the public acts of the Legislature, during that period, are dispersed thro' a variety of pamphlets, rendering it extremely inconvenient to the good people of this State to refer to the laws whenever the same shall be necessary—Resolved, That a Committee of three be appointed from this house, to join such Committee as the Governor and Council shall appoint, to enquire into the expediency of appointing a Committee of revision, for the purpose of revising the acts passed by the Legislature of Vermont, since the revision of 1797, and of reducing the public acts, passed during that period, into a more compact form, and of noticing the existing variations, between those acts, and the revised laws published by the authority of the Legislature in the year 1798.—Read, adopted and Mess^s. Bradley, Aiken and Whitney were appointed a Committee on the part of the house. Att. M. Post Clk."—and the same being read, Ordered, That M^r. Galusha join the Committee on the above resolution.

The following resolution was received from the house: "In General Assembly Oct^r. 30, 1806. Whereas there have been a number of instances of Negro persons, who were minors, having been transported by evil minded persons from this to the other States and province of Canada, where slavery is established by law, and there disposed of as slaves, which practice is contrary to the Genius and principles of the good people and Government of this state, and, Therefore, the evil of which pernicious practices to prevent,—Resolved there be a Committee of five members to join from Council, to take under consideration the propriety of passing a law for remedying the evils abovementioned, and report to this house by bill or otherwise. Read, adopted, and Mess^s. Hendee, Williams, E. Robinson, Hinman and House were appointed a Committee on the part of the house. Attest M. Post Clk."—and the same being read, Ordered, That M^r. Shepardson join the above Committee from the house.[1]

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act directing the Treasurer of this State to credit the town of Stockbridge the sum therein mentioned. An act laying a Tax of three cents per acre on all the lands within the original grant of the township of New Huntington [Huntington,] Buel's and Avery's Gore, An act laying a tax of

[1] This resulted in an act to prevent kidnapping, the penalty for which was that any offender should "be publicly whipped, on his naked back, not exceeding thirty-nine stripes, or pay a fine not exceeding one thousand dollars and be confined to hard labor or imprisonment not exceeding seven years; any part, or the whole of the aforesaid punishment to be inflicted, or penalty to be imposed, at the discretion of said [supreme] court; and shall be further liable to make good all damages, to the person thus carried away, removed, or disposed of."—See printed *Laws of Vermont*, 1806, p. 151.

three cents per acre on the town of Hopkinville [Kirby,] An act directing the Treasurer of this State to credit the Town of Wells the sum therein mentioned," and "An act assessing a Tax of one cent on the dollar on the list of the present year" [State tax,] and the same being severally read and considered, Resolved to concur with the house in passing them, respectively, into laws.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The following message was received from the house—"In General Assembly Oct^{r} 31st 1806—Resolved to concur with the Governor and Council in their amendments proposed to the bill Entitled "An act empowering the Selectmen of Wells and Poultney to draw off the waters of certain mill-ponds" &c. and the said bill has passed into a Law of this state. Extract from the Journals, Attest M. Post Clerk."

A Petition from the Dorset Turnpike Company, for an extension of said road, and to repeal a certain limitation in the act incorporating said Company, was received from the house with this order thereon—"In General Assembly Oct^{r} 31st 1806. Read and referred to the first Joint Turnpike Committee. Att. M. Post Clk"—and the same being read, Resolved to concur with the house in the said reference.

Adjourned untill 9 O'clock Tomorrow morning.

Saturday, November 1st 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

On Motion, M^{r} Chittenden [had] leave of absence, after tomorrow, for the remainder of the Session.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act granting relief to Cap^{t} John Vincent, an indigent Indian in this State, An act granting a new trial to Abel Farewell in a case therein mentioned, An act appointing a Committee to lay out and survey a road therein mentioned, An act directing the Treasurer to credit to Jacob Davis the sum therein mentioned, An act in addition to and amendment of an act Entitled an act laying a tax of five mills on the dollar on the polls and rateable estate of the County of Franklin for the year 1805, and appointing auditors for the purpose therein mentioned, passed Nov. 7th 1805," and the said bills being severally read and considered, Resolved, To concur with the house in passing the same, respectively, into laws.

A bill Entitled "an act to amend an act Entitled an act directing the proceedings against the Trustees of concealed or absconding debtors," was again received from the house with this new order thereon: "In General Assembly Oct^{r} 31, 1806. Bill read the second time and referred to Mess^{s} Bradley, Potter, W^{m} C. Harrington, Spencer and Hendee, to join a Committee from the Council, for amendment. Att. M. Post Clerk"—and the same being read, Ordered, That M^{r} Galusha & M^{r} Wheelock join the above Committee.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A bill Entitled "An act in addition to and in alteration of an act Entitled an act regulating marriage and divorce, passed February 28th 1797," was received from the house with this order thereon: "In General Assembly Nov. 1, 1806—This bill was brought in on motion of leave by M^{r} Bailey, read and referred to Mess^{s} Bailey, Rich & G. Stone, to join a Committee from the Council. Attest M.

Post Clerk"—and the same being read, Ordered, That Mr. Niles & Mr. Shepardson join the above Committee.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act regulatiug Town meetings and the choice and duty of Town officers," was sent up for revision &c. read and referred to Mr. Galusha & Mr. Witherell.

An Engrossed bill, passed in the house of Representatives, Entitled "An act repealing a certain act therein mentioned," was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a Law.

An Engrossed bill, passed in the house of Representatives, Entitled "An act granting to Samuel B. Sheldon the exclusive right of building a Toll Bridge across Missisquoi River," was sent up for revision &c. read, and Ordered, That it be referred to Mr. Witherell for amendment.

Adjourned untill 9 O'clock Monday morning.

Middlebury, Monday, November 3rd, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives. Entitled "An act laying a tax of four cents per acre on the town of Danville," was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a Law.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to and in amendment of the Laws now in force relating to Goals and Goalers," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Loomis.

The bill Entitled "An act in addition to an act Entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," to which the Governor and Council had proposed certain amendments, was returned from the house by Mr. Hutchinson, a Member, with this order of the house thereon—"In General Assembly Nov. 1, 1806.—Resolved to nonconcur with the Governor and Council in their amendment to this bill, and that Mr. T. Hutchinson carry up the same and assign the reasons of the house. Attest M. Post Clerk"—and after assigning the reasons he withdrew—and the said bill being again read, on motion, Resolved, To rescind from the said proposal of amendment, and the said bill having received further and other amendments, Resolved, To concur with the house in passing the same into a law, with the said further proposals of amendment.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to and alteration of an act Entitled an act to appoint a Committee to lay out and survey a road from the place where the bridge over Connecticut River was erected in Norwich to Chelsea Court house," was sent up for revision &c. and the same being read, Ordered, That it be referred to Mr. Loomis.

Mr. Keyes, on motion, obtained leave to introduce a bill Entitled "An act enabling the owners of toll bridges and Turnpike Roads to lessen the rate of toll on the same," which was read, and Ordered, To lie on the table.

The following resolution was received from the house—"In General Assembly Nov. 3, 1806. Resolved, That a Committee consisting of a Member from each County be appointed to join a Committee from Council, to receive and distribute the warrants for the State Tax on the list of 1806, the Election Sermons, and Proclamations for thanksgiving. Members chosen, Messr. Hale, Knoulton, Holden, R. Lyon, Pond, W.

Child, Barney, Edson, Green, J. Lyon, Wetherbee & Sowles. Extract from the Journals, Att. M. Post Clk"—and the same being read, Ordered, That Mr. Shepardson join said Committee from the house.

A bill Entitled "An act establishing the Jurisdictional lines of the town of Berkshire," was received from the house with this order thereon: "In General Assembly Nov. 3, 1806. This bill was brot in on motion of Mr. Littlefield, Read and referred to Messs. Edson, Ware & Emerson, to join a Committee from Council. Attest M. Post Clerk"—and the same being read, Ordered, That Mr. Wright join the above Committee.

A bill Entitled "An act establishing a County Grammar School at Randolph in Orange County," was received from the house with this order thereon: "In General Assembly Nov. 3, 1806. This bill was brot in on motion of leave by Mr. Chase, Read and referred to Messs. Buck, Mather, D. Palmer, Shaw and Campbell, to join a Committee from Council. Attest M. Post Clerk"—and the same being read, Ordered, That Mr. Witherell join the above Committee.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee, to whom was referred the bill Entitled "An act in addition to and amendment of the Laws now in force relating to Goals and Goalers," reported that it ought to pass, whereupon Resolved, To concur with the house in passing said bill into a Law.

The Committee, to whom was referred the bill Entitled "An act in addition to and alteration of an act Entitled an act to appoint a Committee to lay out and survey a road from the place where the bridge over Connecticut River was erected at Norwich to Chelsea Court house," reported that said bill ought to pass, and it being again read, Resolved, To concur with the house in passing the same into a Law.

The Committee, to whom was referred the bill Entitled "An act granting to Samuel B. Sheldon the exclusive right of building a toll bridge across Missisquoi River," reported sundry amendments to be made [to] said bill, and the same were adopted & then Resolved, To concur with the house in passing the said bill into a Law, with said proposals of amendment, and Mr. Witherell appointed to assign the reasons for the same to the house.

A bill Entitled "An act relating to the duty of the Grand Jury before the Supreme Court," was received from the house with this order thereon: "In General Assembly Nov. 3, 1806. This bill reported by Committee, read the 1st time and recommitted to former joint Committee. Attest M. Post Clerk"—and the same being read, Resolved, To concur with the house in the said recommittment.

A bill, passed in the house of Representatives, Entitled "An act to authorize the Proprietors and Landowners of Norwich to establish the division of their lands," was sent up for revision &c. and the same being read, Ordered, That it be referred to Mr. Keyes.

A bill Entitled "An act in addition to an act Entitled an act incorporating certain persons therein mentioned by the name of the Center Turnpike Company," was received from the house with this order thereon: "In General Assembly Nov. 3, 1806.—This bill reported by Committee and recommitted to former joint Committee. Attest M. Post Clk"—and the same being read, Resolved, To Concur with the house in said reference.

Adjourned to 9 O'clock Tomorrow morning.

MIDDLEBURY, Tuesday, November 4th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee, to whom was referred the bill Entitled "An act granting to Daniel Hurlbut and his Associates the exclusive right of building a toll bridge across Onion River," reported sundry amendments, which were adopted, the bill read as amended, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Witherell appointed to inform the house of the reasons for the same.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act giving day of payment to Joseph Winslow, Administrator on the Estate of Peleg Winslow, late of Putney, deceased, for two certain Executions in favor of the Treasurer of this State against said Joseph as Administrator as aforesaid, for the term therein mentioned; An act extending the time for recording certain Advertisements in the Town Clerk's office in Montgomery; An act extending the time for recording a certain Advertisement in the town of Berkshire, relating to a road Tax; An act relating to the records of the Town of Topsham; An act in addition to an act Entitled An act granting the right of making and keeping a Turnpike road from the lower bridge over Onion River in Colchester to the ferry from Middle hero to Cumberland head," and "An act extending the time of forfeiting the grant to the Fairhaven Turnpike Company," and the said bills being severally read & considered, Resolved, To concur with the house in passing them, respectively, into laws.

An Engrossed bill, passed in the house of Representatives, Entitled "An act to authenticate the records of the town of Panton," was sent up for revision &c. read, and amended by erasing the word "legal" in the 8th line and inserting the word "the," and then Resolved, To concur with the house in passing said bill into a law, with said proposal of amendment, and Mr. Loomis appointed to assign to the house the reasons for the same.

On motion of Mr. Witherell, Mr. Chittenden, appointed a Committee on the bill Entitled "An act laying a tax of two cents per acre on Kelley's Grant No. 2," was discharged from any further consideration of the same, and Mr. Shepardson appointed in his room.

An Engrossed bill, passed in the house of Representatives, Entitled "An act granting a new trial in a certain cause therein mentioned," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Niles.

The following resolution was received from the house—"In General Assembly Nov. 3, 1806. Resolved, the Governor and Council concurring herein, that both houses meet in the Representatives' room, at 10 o'clock on Friday morning next, and adjourn the Legislature without day. Extract from the Journals, Attest M. Post Clerk"—and the same being read, it was Ordered, To lie on the table.

A bill Entitled "An act to appoint a Committee to designate a place for Orange County Grammar School" was received from the house with this order thereon—"In General Assembly Nov. 4th, 1806. This bill was brot. in on motion of leave by Mr. Peaslee, Read and referred to the Committee on the bill establishing Orange County Grammar School, to join &c. Attest M. Post Clerk"—and the same being read, Resolved, To concur with the house in the said reference.

The following resolution was received from the house—"In General Assembly Nov. 4, 1806. Resolved, the Governor and Council concurring herein, that both branches of the Legislature meet in joint Committee, in the Representatives' room, on Thursday next, at 10 o'clock A. M. for

the purpose of making further appointments of County officers. Attest M. Post Clerk"—and the same being read, Resolved, To concur with the house therein.

A bill Entitled "An act directing the purchase of a field piece for a Company therein mentioned," was received from the house with this order thereon: "In General Assembly Nov. 4, 1806—This bill was brought in on motion of leave by Mr. P. Child, and referred to the joint Committee on the bill for the relief of Timothy F. Chipman and Henry Hall. Attest M. Post Clerk"—in which reference the Governor and Council concurred.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee, on the bill Entitled "An act in addition to an act Entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings, reported the same with amendments, and the same being read, Resolved, That the same do pass, and Ordered that it be engrossed and sent to the house for their revision &c.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act directing the Treasurer to credit the town of Bolton the sum therein mentioned; An act directing the Treasurer to credit the town of Vershire the sum of thirty-eight dollars; An act laying a Tax of three cents per acre on the town of Westmore," and "An act altering the name of John Vance to John Smith," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in amendment of an act Entitled An act incorporating certain Turnpike Companies in the western Counties in this State, passed Nov. 7, 1805," was sent up for revision &c. and the same being read, Ordered, That it be referred to Mr. Witherell to enquire whether the Waltham Turnpike Company assent to the provisions of this act. And the said Committee having made the enquiry directed, reported that it was the unanimous wish of sd Company, whereupon Resolved, To concur with the house in passing said bill into a law.

The following resolution was received from the house:—[Resolutions on proposition of Kentucky to limit the jurisdiction of United States courts, for which see *Appendix* B,] and the same being read and considered, Resolved, To concur with the house therein.

Adjourned untill 9 O'clock Tomorrow morning.

Wednesday, November 5th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, That his Excellency the Governor be requested to issue his Proclamation appointing Wednesday, the fifteenth day of April next, to be observed as a day of public humiliation, fasting and praise throughout this State.

A bill, passed in the house of Representatives, Entitled "An act for the relief of the Managers of the Friendly lottery were [was] sent up for revision &c. and being read, it was Resolved, To concur with the house in passing the said bill into a law.

Two bills, passed in the house of Representatives, both Entitled "An act in addition to and in explanation of an act Entitled an act regulating the office and duty of Sheriff, High Bailiff, their respective

deputies, and Constables," were sent up for revision &c. and the same being read, Ordered, That they be referred to Mr. Galusha.

The bill, Entitled "an act granting to Daniel Hurlbut the exclusive right of building a toll bridge across Connecticut river," which the Governor and Council yesterday sent to the house with proposals of amendment, was returned by Mr. Spencer, a Member, with this order thereon —"In General Assembly Nov. 5, 1806. Resolved, to concur with the Governor and Council in their proposed amendments to this bill, except the amendments to the 3rd Section, and the additional Section, with which the house do nonconcur, and that Mr. Spencer be a Committee to carry up the bill and assign the reasons of the house for their nonconcurrence. Attest M. Post Clk."—and Mr. Spencer after assigning the reasons withdrew—and the said bill and amendments being again read, Resolved, To rescind from the said amendments nonconcurred by the house, and that the said bill be referred to Mr. Loomis for further amendments.

The Committee, to whom was referred the bill Entitled "An act assessing a tax of one cent on each acre of land in the County of Caledonia, for the purpose of defraying the expence of building and compleating a new Jail at Danville in said County, and also for paying the debts and demands against the same," reported sundry amendments to be made to the same, which was accepted, and on the motion [question,] shall the bill pass, with the said amendments, the yeas and nays being required by Mr. Niles, were as follows, viz. Yeas, Gov. Brigham, Messs. Loomis, Wheelock, Witherell, White, Fletcher, Spooner and Wright. Nays, Messs. Galusha, Keyes, Niles and Shepardson. Yeas 8, Nays 4, so the bill passed as amended, and Mr. Loomis was appointed to inform the house of the reasons of Council in proposing the said amendments.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—A bill, passed in the house of Representatives, Entitled "An act in addition to and in amendment of an act Entitled an act incorporating certain persons therein mentioned by the name of the Rutland and Stockbridge Turnpike Company," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Niles and Mr. Loomis.

The Committee, to whom was referred the bill Entitled "An act to authorize the Proprietors and Landowners of Norwich to establish the division of their Lands," reported sundry amendments to be made to the same, which report was accepted & Resolved, To concur with the house in passing the same into a Law, with said proposals of amendment, and Mr. Keyes appointed to inform the house of the reasons of Council for the same.

The Committee, to whom was referred the bill Entitled "An act in addition to an act Entitled an act regulating Town meetings and the choice and duty of Town-Officers," reported sundry amendments to be made to the same, which report was accepted and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons of Council for the same.

A bill Entitled "An act directing the purchase of a field piece for the use of a Company of Artillery therein mentioned," was received from the house with this order thereon—"In General Assembly Nov. 4, 1806. This bill was brot. in on motion of leave by Mr. Rising. Nov. 5, Read and referred to the joint Committee on the bill making compensation to Timo. F. Chipman and Henry Hall. Att. M. Post Clerk"—in which reference the Governor and Council concurred.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act laying a tax of three cents per acre on the town of Panton; An act enabling those persons who have or may purchase of William Tharpe, a British subject, any such real property within this State as come [came] to him the said William Tharpe by the last will and testament of his brother John Tharp late of Charlotte deceased, to hold the same," and "An act assessing a tax on the County of Essex," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

The Committee, to whom was referred the bill Entitled "An act granting to Daniel Hurlbut the exclusive right of building a Toll bridge across Onion River," for further amendment, reported additional amendments to be made to the same, which were adopted, and then it was Resolved, To concur with the house in passing the same into a Law, with the said additional proposals of amendment, and Mr. Loomis appointed to inform the house of the reasons of Council for the same.

A bill, passed in the house of Representatives, Entitled "An act annexing part of the town of Hubbarton to the town of Sudbury," was sent up for revision &c. and being read, Resolved, To nonconcur with the house in passing said bill into a law, & for the following reasons, viz. That as great inconveniences might frequently arise to the Inhabitants, by shifting the jurisdictional lines of towns, when the subject has not been thoroughly deliberated by all parties to be affected by it, it has not been the practice of the Legislature to annex any part of one Town to another, without the express consent of the Town, or some part of it, to which it is to be annexed; which is so far from being the case, in the present instance, that the Inhabitants of each town have actually remonstrated against it.

Adjourned to 9 O'clock Tomorrow morning.

Thursday, November 6, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives were sent up for revision and concurrence or proposals of amendment—"An act relating to the duty of the Engrossing Clerk; An act laying a tax of four cents per acre on the town of Brownington;" and "An act appointing a Committee to lay out a road from Salisbury to West Rutland," and the same being severally read and considered, Resolved, To concur with the house in passing them, respectively, into Laws.

A bill, passed in the house of Representatives, Entitled, "An act in amendment of the acts now in force for regulating and governing the Militia," was sent up for revision &c. read, and Ordered, That it be referred to Gov. Brigham and Mr. Wright.

Gov. Brigham called up the resolution from the house relative to the adjournment of both houses tomorrow morning at 10 O'clock, and the same being read, it was Ordered, to lie on the table.

The following message was received from the house—"In General Assembly Nov. 5, 1806—Resolved to concur with the Governor and Council in their proposed amendment to a bill Entitled "An act granting to Samuel B. Sheldon the exclusive right of building a Toll bridge across Missisquoi River; A bill, Entitled "An act to authenticate certain records of the town of Panton," and A bill Entitled "an act in addition to an act reducing into one the several acts for laying out, making, repairing and clearing Highways"—And the said bills have

passed and become laws of this State. Extract from the Journals, Attest M. Post Clerk."

The Committee, to whom was referred the two bills Entitled "An act in addition to and in explanation of an act Entitled an act regulating the office and duty of Sheriff, High Bailiff, their respective deputies, and Constables," reported sundry amendments to be made to said bills, which report was accepted, and on motion Ordered, That said bills be recommitted to the same Committee with the addition of Mr. Niles.

A bill, passed in the house of Representatives, Entitled " An act in addition to an act Entitled an act incorporating certain persons therein mentioned by the name of the Centre Turnpike Company," was sent up for revision &c. read, and Ordered, That it be referred to Mr. Keyes.

The Committee, to whom was referred the bill Entitled "An act granting a new trial in a certain cause therein mentioned," reported sundry amendments to be made therein, which were adopted, & then Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Keyes appointed to inform the house of the reasons of Council for proposing the same.

A bill, passed in the house of Representatives, Entitled " An act appointing a Committee to lay out a road from the South line of Burke to Canada line," was sent up for revision &c. read, & Ordered, That it be referred to Mr. White.

Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—The resolution for the adjournment of the Legislature was again read, and on motion Resolved, To nonconcur with the house therein, and Mr. Witherell appointed to inform the house of the reasons of Council.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: " An act establishing the pitch of the Public lands in the towns of Windham and Londonderry; An act incorporating and establishing an Academy at Brandon," and "An act laying a tax of four cents per acre on the town of Fairfax," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

The bill Entitled "An act to authorize the Proprietors and Landowners of Norwich to establish the division of their lands," to which the Governor and Council had on the 5th Int. made certain proposals of amendment, was returned from the house by Mr. Buck, a member, with this order thereon—" In General Assembly Nov. 6, 1806. Resolved to nonconcur with the Governor and Council in their proposed amendment to this bill, and that Mr. Buck be a Committee to carry up this bill and assign the reasons of the house for their nonconcurrence. Att. M. Post Clerk "—and Mr. Buck, after assigning the reasons, withdrew; and the said bill being again read, on motion Resolved, To rescind from the said amendments nonconcurred by the house, and to concur in passing said bill into a law, with further proposals of amendment.

The Committee, to whom was referred the bill Entitled " An act appointing a Committee to lay a road from the South line of Burke to Canada line," reported sundry amendments to be made to the same, which report was accepted, & then it was Resolved, To concur with the house in passing said bill into a Law, with said proposals of amendment, & Gover. Brigham appointed to inform the house of the reasons of Council for proposing the same.

A bill, passed in the house of Representatives, Entitled "An act in amendment of an act Entitled an act for the punishment of certain

capital and other high crimes and misdemeanors," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Loomis.

A bill, passed in the house of Representatives, Entitled "An act establishing a State Bank," was sent up for revision &c. read, and Ordered, That it be referred to Gov. Brigham, Mr. White & Mr. Niles.

The following message was received from the house—"In General Assembly Nov. 6th, 1806. Resolved to concur with the Governor and Council in their proposed amendments to the bill Entitled "An act in addition to an act regulating Town Meetings and the choice and duty of Town officers;" A bill Entitled "An act assessing a tax of five mills on each acre of land in the County of Caledonia, for the purpose of building a New Jail" &c. and A bill Entitled "an act granting to Daniel Hurlbut the right of building a Toll bridge across Onion River;" also Resolved to concur with the Governor and Council in passing a bill Entitled "An act in addition to an act Entitled an act constituting the Supreme Court of Judicature, County Courts," &c. &c.—And the said bills have become laws of this State. Extract from the Journals, Attest Martin Post Clerk."

Adjourned untill 9 O'clock Tomorrow morning.

Friday, November 7th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The bill Entitled "An act annexing a part of the Town of Hubbarton to the town of Sudbury," which the Governor and Council had nonconcurred on the 5th Inst., was returned from the house by Mr. J. Warner, a Member, with this order thereon: "In General Assembly Nov. 7, 1806. Read and Resolved to repass this bill, and that the same be again sent to the Governor and Council for their revision &c. by a member, and Mr. J. Warner appointed to carry up the same. Attest M. Post Clerk" —and Mr. Warner, after assigning the said reasons, withdrew—and the same bill being again read, on motion Resolved, To rescind from the said vote of nonconcurrence, and to concur with the house in passing said bill into a Law.

A bill, passed in the house of Representatives, Entitled "An act making provision for the payment of Grand and Petit Jurors," was sent up for revision &c. and being read, Ordered, That it be referred to Messrs. Fletcher & Witherell.

The following message was received from the house—"In General Assembly Nov. 6, 1806. On motion of Mr. Olin, Resolved that the Committee to whom was referred several petitions for the incorporation of banks in this State be discharged from any further consideration of the same, and that the said petitions be dismissed. Extract from the Journals, Attest M. Post Clerk."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—"An act supplementary to an act Entitled An act laying a tax of four cents per acre on the town of Ferrisburgh; An act authorising the Sheriff of the County of Grand Isle to provide a Goal in said County; An act to repeal an act Entitled an act to establish the jurisdictional lines between the towns of Vershire and Corinth in the County of Orange; An act in addition to an act Entitled an act organising the County of Grand-Isle and fixing the time of holding the Courts therein; An act in addition to an act Entitled an act directing the mode of Election of Governor, Lt. Governor, Treasurer of the State, Councillors and Representatives," and "An act in amendment of an act Entitled an act constituting the Su-

preme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

The Committee, to whom was referred the bill Entitled "an act in addition to an act incorporating certain persons therein mentioned by the name of the Rutland and Stockbridge Turnpike Company," reported sundry amendments to be made therein, which report was accepted, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Keyes appointed to inform the house of the reasons of Council in proposing the same.

The Committee, to whom was referred the bill Entitled "An act in addition to an act Entitled an act incorporating certain persons therein mentioned by the name of the Centre Turnpike Company," reported sundry amendments to be made therein, which report was accepted, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Keyes appointed to inform the house of the reasons of Council for proposing the same.

The Committee, to whom was referred the bill Entitled "An act in amendment of an act Entitled an act for the punishment of certain capital and other high crimes and misdemeanors," reported sundry amendments to be made to the same, which report was accepted, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Loomis appointed to inform the house of the reasons of Council for proposing the same.

The Committee, to whom was referred the bill Entitled "An act in addition to and in explanation of an act regulating the office and duty of Sheriff, High Bailiff, their respective deputies, and constables," reported sundry amendments to be made to said bill, which report was accepted, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons of Council for proposing the same.

The same Committee also reported that the other bill with the same title as the last ought not to pass, whereupon Resolved, That the Governor and Council do nonconcur with the house in passing said bill, as they have incorporated the substance of the same into a bill previously passed, by the house, with the same title.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Committee, to whom was referred a bill Entitled "An act in amendment of the laws now in force for regulating and governing the Militia of this State," reported that the same ought not to pass, whereupon Resolved, To nonconcur with the house in passing this bill into a law, and for the following reasons, viz. The bill provides that a Squadron of horse, which is only the half of a Regiment, shall constitute a Colonel's Command. This is considered to be against all military rules, and would lessen that dignity which would otherwise be attached to the command and rank of a Colonel of the horse—and the Council are of opinion, that suitable provision is allready made for the regulation and government of the Cavalry, in and by the act forming them into Squadrons.

An Engrossed bill, passed in the house of Representatives, Entitled "An act establishing the County Grammar School of the County of Orange in the town of Randolph," was sent up for revision &c. and being read, it was Resolved, To concur with the house in passing said bill into a Law.

The Committee, to whom was referred the bill Entitled "An act laying a Tax of two Cents per acre on Kelly's Grant N° 2," reported that the same ought to pass, whereupon Resolved, To concur with the house in passing said bill into a Law.

An Engrossed bill, passed in the house of Representatives, Entitled "An act in addition to and amendment of an act laying a tax on the Township of Smithfield" [part of Fairfield and Bakersfield,] was sent up for revision &c. and the same being read, on motion Resolved, To nonconcur with the house in passing said bill into a law, and for the following reasons, viz. 1. It does not appear that any public notice has been given of a design to apply for any legislative provision on the subject of this bill. 2. No evidence, that the former Collector has not performed his duty in the premises has been adduced. 3. No evidence is offered to show that any part of the tax granted in 1791 was expended within the time limited by Law. 4. The Lands taxed by the law of 1791 may have passed thro' many hands since that time, in which case it cannot be presumed that the present owner is possessed of such receipts of the Collector as may have been given; and it may be fairly presumed that they are liable to suffer an injury should this bill become a law. 5. The delay of the Committee in exhibiting their accounts, and their further delay in applying for legislative aid, afford a strong presumption that no material injury will be done should no such aid be given. 6. It does not even appear that the Committee appointed in 1791 have ever suggested a wish for any legislative aid, nor that any one complains of having sustained any injury in the premises. 7. So that it does not appear that enacting this bill would have any other than an injurious effect.

Adjourned untill 9 O'clock Tomorrow morning.

SATURDAY, November 8th, 1806, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following written messages were received from the house: "In General Assembly Nov. 7, 1806. Resolved to concur with the Governor and Council in their proposed amendments to the bill Entitled "An act appointing a Committee to lay a road from the south line of Burke to Canada line," and A bill Entitled " An act authorising the proprietors and landowners of Norwich to establish the division of their lands." Extract from the Journals, Attest M. Post Clerk." "In General Assembly Nov. 7, 1806—Resolved that the house concur with the Governor and Council in passing the following bills into laws with the amendments proposed by the Governor and Council, viz. A bill Entitled "An act in addition to and explanation of an act regulating the office and duty of Sheriff" &c.; A bill Entitled "An act in addition to and in amendment of an act Entitled an act incorporating certain persons therein mentioned by the name of the Rutland and Stockbridge Turnpike Company;" A bill Entitled "An act in addition to an act Entitled an act incorporating certain persons therein mentioned by the name of the Center Turnpike Company;" A bill Entitled "An act in amendment of an act Entitled an act for the punishment of certain capital and other high crimes and misdemeanors," and A bill Entitled "An act providing for a new trial in a case therein mentioned." Extract from the Journals, Att. M. Post Clk."

The Committee, to whom was referred the bill Entitled "An act establishing a State Bank," reported sundry amendments to be made to the same, which were adopted, and on the motion [question] shall the said bill pass as amended, the yeas and nays being required were as fol-

lows—Yeas, Gov^r. Brigham, Mess^s. Keyes, Loomis, Wheelock, Shepardson, Witherell, White, Fletcher, Spooner & Wright. Nays, Mess^s. Galusha and Niles. Yeas 10, Nays 2, so it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Gov. Brigham appointed to inform the house of the reasons of Council for the same.

A bill Entitled "An act in addition to an act Entitled an act for the relief of idiots and distracted persons," was received from the house with this order thereon—"In General Assembly Nov. 8, 1806. Read the Second time and recommitted to the former joint Committee. Att. M. Post Clk"—and the same being read, Resolved, to concur with the house in their said reference.

An Engrossed bill, passed in the House of Representatives, Entitled "An act in addition to and alteration of an act Entitled an act relating to pounds, estrays, and lost Goods," was sent up for revision &c. and being read, Ordered, That it be referred to Gov. Brigham.

An Engrossed bill, passed in the house of Representatives, Entitled "an act in addition to an act Entitled an act regulating marriage and divorce," was sent up for revision &c. read, and Ordered, That it be referred to M^r Galusha.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment—"An act to prevent kidnapping; An act directing the Treasurer to credit the town of Sharon the sum therein mentioned; An act directing the Treasurer to credit the Town of Minehead [Bloomfield] the sum therein mentioned; An act in addition to an act authorising Sheriffs to lease out Goal-houses, passed Nov^r. 10^th, 1802; An act in alteration of an act Entitled an act incorporating certain Turnpike Companies in the western Counties in this State; An act to revive two certain acts laying land taxes, the one on the Town of Craftsbury, the other on the town of Hardwick," and "An act appointing a Committee to lay out a County road from Derby to Guildhall," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

The Committee, to whom was referred the bill Entitled "An act in addition to and alteration of an act relating to Pounds, Estrays, and lost Goods," reported that it ought to pass, whereupon Resolved, To concur with the house in passing said bill into a Law.

Adjourned untill 9 O'clock Monday morning.

MONDAY, November 10^th, 1806, 9 O'clock A. M.

The following resolution was received from the house—"In General Assembly Nov. 8, 1806. Resolved that a Committee be appointed, to join Committee from Council, to make and receive proposals for compromising the dispute relating to the town of Wheelock. Members chosen, Mess^s. D. Chipman, Chase & Spencer. Extract from the Journals, Attest M. Post Clerk" and the same being [read,] Resolved, To concur therein and Gov. Brigham and M^r. Witherell appointed a Committee on the part of the Council.

The bill Entitled "An act establishing a State Bank," to which the Governor and Council on the 8^th Int. had made certain proposals of amendment, was returned from the house by M^r. [Titus] Hutchinson, a Member, with this order thereon—"In General Assembly Nov. 8, 1806.

Resolved that the house concur in all the amendments proposed by the Governor and Council except that proposed to the 9th Section, and that, in this, they nonconcur, and that Mr. Hutchinson be requested to return the bill with notice hereof & of the reasons for the same. Attest M. Post Clerk"—and after assigning the reasons, Mr. Hutchinson withdrew —and the said bill and amendment rejected by the house being again read, on motion, Resolved, To rescind from said proposal of amendment nonconcurred by the house, and to concur in passing said bill into a law, without any further amendment.

The Committee, to whom was referred the bill Entitled "An act making provision for the payment of Grand and Petit Jurors," reported sundry amendments to be made to the same, which report was accepted, and on motion Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons of Council for proposing the same.

The following resolution was received from the house—"In General Assembly Nov. 10, 1806. Resolved, the Governor & Council concurring herein, that both branches of the Legislature meet in joint Committee, in the Representatives' room, at the opening of the house this afternoon, for the purpose of Electing thirteen directors of the Vermont State Bank. Read & Adopted. Attest M. Post Clk."—and the said resolution being read, Resolved, To concur with the house therein.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of two cents per acre on the township of Navy [Charleston,] and three cents per acre on the Township of Random" [Brighton,] and "An act in addition to and in amendment of an act Entitled an act laying a tax of three cents per acre on the town of Plymouth," and the said bills being severally read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

Mr. Fletcher asked and obtained leave of absence for the remainder of the session.

Adjourned untill 2 O'clock P. M.

2 O'clock P. M. — Pursuant to the Concurrent resolution of both houses, the Governor and Council proceeded to the representatives' room and met the house in joint Committee for the purpose of Electing Thirteen Directors of the Vermont State Bank, and having finished the same, the joint Committee was dissolved, and the Governor and Council returned to their Chamber.[1]

On motion, Resolved, The house of Representatives concurring herein, that both branches of the Legislature meet in the Representatives' room at eleven O'clock Tomorrow morning, for the purpose of adjourning the Legislature without day. Ordered, That the Secretary carry the same to the house.

The Committee, to whom was referred the bill Entitled "An act in addition to an act Entitled an act regulating marriage and divorce," reported sundry amendments to the same, which report was accepted, and then it was Resolved, To concur with the house in passing said bill into a law, with said proposal of amendment, and Mr. Galusha appointed to inform the house of the reasons of Council for proposing the same.

The Debenture of the Lt. Governor and Council for the present session was read, approved, and ordered to be entered on the Journals.

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[1] See *Appendix* D.

Debenture of Lt. Governor & Council, October Session, 1806.

	Travel.	Amount of Travel.	Days of Attendance.	Amount of Attendance.	Whole Amount.
					$ Cts.
His Honor Paul Brigham Lt. Gov.	65	$7 80	34	$136	143 80
Hon[l] Jonas Galusha ....Councillor.	82	9 84	34	51	60 84
..“..Noah Chittenden..... “	36	4 32	25	37 50	41 82
..“..Elias Keyes..... “	31	3 72	25	37 50	41 22
..“..Beriah Loomis ..... “	70	8 40	34	51	59 40
..“..Nathaniel Niles ..... “	78	9 36	34	51	60 36
..“..Ebenezer Wheelock.... “	9	1 08	34	51	52 08
..“..Samuel Shepardson.... “	113	13 56	34	51	64 56
..“..James Witherell..... “	32	3 84	34	51	54 84
..“..John White..... “	55	6 60	34	51	57 60
..“..Asaph Fletcher..... “	57	6 84	33	49 50	56 34
..“..Eliakim Spooner ..... “	85	10 20	34	51	61 20
..“..Josiah Wright ..... “	100	12	34	51	63
William Page Jun[r]. Secy.	32	3 84	34	85	88 84
William Slade Esquire Sheriff	5	60	34	51	51 60
		$102		$845 50	$957 50

M[r]. Shepardson was appointed a Committee to receive the Debenture of Council.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—“An act annexing the Company of artillery attached to the second Brigade in the second Division of the Militia of this State to the third Regiment of the aforesaid brigade,” and “An act in addition to and amendment of an act regulating fees”—and the said bills being read and considered, Resolved, To concur with the house in passing them, respectively, into laws.

Adjourned untill 9 O’clock Tomorrow morning.

Middlebury, Tuesday, November 11[th], 1806, 9 O’clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent for revision & concurrence or proposals of amendment—“An act laying duties on licenses to Hawkers and Pedlars,” and “An act relating to the duties of the Grand Jury empanelled by the Supreme Court,” and the same being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled “An act making the necessary appropriations for the support of government during the present year, and for other purposes,” was sent up for revision &c. read, amended, & then Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and M[r]. Loomis appointed to inform the house of the reasons of Council for proposing them.

The resolution of Council relative to the adjournment of the Legislature was returned from the house concurred.

The following message was received from the house—"In General Assembly Nov. 11, 1806. Resolved to concur with the Governor and Council in their amendments to the following bills, viz. A bill Entitled "an act in addition to an act regulating marriage and divorce," and A bill Entitled "An act making provision for the payment of Grand and Petit Jurors." Extract from the Journals, Attest M. Post Clerk."

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled an act incorporating certain persons therein mentioned by the name of the Center Turnpike Company," was sent up for revision &c. read, amended, and Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons of Council in proposing them.

The following written message was received from the house—"In General Assembly Nov. 11th, 1806. Resolved to concur with the Governor and Council in their amendment to the bill making appropriation for the support of Government" &c. Extract from the Journals, Att. M. Post Clk."

A bill, passed in the house of Representatives, Entitled "An act to incorporate the Orleans Agricultural Society," was sent up for revision &c. read, amended, and then Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Niles appointed to inform the house of the reasons of Council for proposing the same.[1]

The following written message was received from the house: "In General Assembly Nov. 11th, 1806—Resolved to concur with the Governor and Council in their amendments to a bill Entitled "An act in addition to an act incorporating certain persons therein mentioned by the name of the Center Turnpike Company," and a bill Entitled "An act to incorporate the Vermont Agricultural Society"—and the said bills have become laws of this State. Attest M. Post Clerk."

Mr. Luce, member of the house, appeared in the Council Chamber and informed the Governor and Council that the house was now ready to meet them in the Representatives' room and adjourn the Legislature without day.

The Governor and Council accordingly proceeded to the Representatives' room, and after an appropriate prayer by the Rev. Mr. Merrill, the Chaplain, the Sheriff of Addison County, by direction of the Governor, adjourned the Legislature without day, and made public proclamation of the same.

A true Journal, Attest WILLIAM PAGE Jur. *Secy.*

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[1] The amendment changed the name to *Vermont Agricultural Society*.

THIRTY-FIRST COUNCIL.

OCTOBER 1807 TO OCTOBER 1808.

ISRAEL SMITH, Rutland, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

NATHANIEL NILES, West Fairlee,	ELIAS KEYES, Stockbridge,
JONAS GALUSHA, Shaftsbury,[1]	SAMUEL SHEPARDSON, Guilford,
BERIAH LOOMIS, Thetford,	EBENEZER WHEELOCK, Whiting,
NOAH CHITTENDEN, Jericho,	JOSIAH WRIGHT, Pownal,
ELIAKIM SPOONER, Westminster,	EZRA BUTLER, Waterbury,
ASAPH FLETCHER, Cavendish,	SAMUEL SHAW, Castleton.

WILLIAM PAGE, Jr., *Secretary*, until Oct. 14.
ROLLIN C. MALLARY, Castleton, *Secretary*, from Oct. 14.
WILLIAM STRONG, Hartford,[2] *Sheriff.*

BIOGRAPHICAL NOTICES.

ISRAEL SMITH was born in Suffield, Conn., April 4 1759, graduated at Yale college in 1781, and became a resident of Rupert in 1783, when he was admitted to the bar in this State. He represented Rupert in the General Assembly in 1785 and 1788, '89 and '90, and in the Constitutional Convention of 1791, in which year he removed to Rutland. He was one of the Commissioners named in the act of 1789 to settle the controversy with New York. He represented the south western district of Vermont in Congress from 1791 to 1797, when he was elected Chief Judge of the Supreme Court and served one year. He was the chief victim of the "Vergennes slaughter-house" in 1798, when the Federalists, for party reasons, refused to re-elect him. He was again elected Chief Justice of the Supreme Court in 1801, but declined the

[1] Mr. Galusha resigned on taking the oath as Assistant Judge of the Supreme Court, Oct. 15, 1807. The vacancy was not filled.

[2] Subsequently of Woodstock.

office. He was United States Senator 1803 to 1807, when he resigned that office to accept the executive chair. In his message he ably argued the matter of punishment for crimes, and his influence was used to secure the construction of the State Prison. The tradition is, that the anticipated cost of the prison was regarded as a burden too heavy to be borne, and that, because of Gov. Smith's connection with that matter, he was defeated in 1808. His talents were good; "he was a noble looking man and got the name of the handsome judge;" distinguished for "amiable candor," and "inflexible integrity;" and at his death "all united in deploring the loss of a DIGNIFIED STATESMAN and MUCH ESTEEMED MAN." Shortly after his term as governor expired, his health began to fail, and he died at Rutland Dec. 2 1810, in the fifty-second year of his age. He was brother of Hon. Noah Smith, for a notice of whom see Vol. IV, p. 168.—H. Hall's *Early History of Vermont;* Drake's *Dictionary of American Biography;* Deming's *Catalogue; Vt. Historical Magazine*, Vol. I, article "Rupert;" and *Rutland Herald*, copied by the *Northern Centinel*, [Burlington,] of Dec. 27 1810.

EZRA BUTLER, born in Lancaster, Mass., Sept. 24th, 1763, came from Weathersfield to Waterbury in 1785 to prepare a residence, which was occupied by the family in 1786. He was the second settler in Waterbury, and the first town clerk, appointed March 31 1790, and from that date until 1832 he was almost constantly in public service. He was elected town representative for eleven years, but in the last year (1807) he was also elected Councillor, and after two days' service in the House he took his seat in the Council. He served in the Council sixteen years, when he was elected Governor in 1826, and re-elected in 1827. He served one term in Congress, 1813 to March 1815, and in Sept. 1815 he was again elected to the Council. He was Judge of the County Court for twenty years, and was in that office when he was elected Governor. He was one of the Council of Censors in 1806, and a delegate in the Constitutional Convention of 1822. Gov. Butler was a Democrat of the school of Jefferson, for whom and George Clinton, as Presidential elector, he voted in 1804. He was subsequently Elector for three terms, and voted as follows: in 1820 for Monroe and Tompkins; in 1828 for John Quincy Adams and Richard Rush; and in 1832 for William Wirt and Amos Elmaker. The last votes indicate his judgment against freemasonry. Reckoning by the offices he filled, (he frequently served in more than one office at the same time,) his public service covered sixty-five years. This, however, does not embrace his service to the public in a different and even higher character: inasmuch as, about 1800, he was ordained an Elder in the Baptist Church, and in that capacity was a teacher of religion until his death, July 12 1838. In answer to the inquiry whether any portrait of Gov. Butler was ever painted, the reply of a member of the family was, "that there was not—he was not that sort of man." It is true that he was a modest mannered man, of a grave

countenance and moderate in speech, apparently conscientious in the discharge of every duty, and firm in his convictions. His integrity and sound judgment secured for him the extraordinary measure of public confidence which was accorded to him from first to last, not the arts of the mere politician, brilliant talents, and graceful manners. The editor of this volume listened to one of his annual speeches as governor—probably the last. It was delivered in person from the desk of the Speaker of the House, and in a style like that of a sermon ; and the tradition is, that on the conclusion of one of his executive speeches, a man in the gallery invited the joint assembly to "sing Mear." Whether this be true or not, the suggestion was truly indicative of the ministerial manner of the excellent Governor.—Drake's *Dictionary of American Biography ;* Thompson's *Vermont ;* Parker's *Early History of Waterbury;* and Deming's *Catalogue.*

Doct. Samuel Shaw, born in Dighton, Mass. in Dec. 1768, removed to Putney, Vt. in 1778, and to Castleton in 1787, when he entered upon the practice of his profession at the age of nineteen, and became eminent as a surgeon. "He entered early into politics, and was one of the victims of the sedition law ; for his denunciation of the administration of John Adams, he was imprisoned, and liberated by the people without the forms of law."[1] He represented Castleton in the General Assembly 1800 until 1807, when he was elected to each house and accepted the office of Councillor. He served but one year, having been defeated in 1808, when the Federalists elected ten of the twelve Councillors. He was elected to Congress, however, in 1808 and served until March 1813. On his retirement from Congress he was appointed surgeon in the U. S. army, which office he filled until 1816. As an instance of his physical strength, it is stated that he rode on horseback from St. Louis, Missouri, to Albany, N. Y., in twenty-nine days. He died at Clarendon, Vt., Oct. 22 1827.—Lanman's *Dictionary of Congress;* and Deming's *Catalogue.*

Rollin Carlos Mallary was born in Cheshire, Conn., May 27 1784, and graduated at Middlebury College in the class of 1805. He practiced law in Castleton from 1807 to 1818, and in Poultney from 1818 until his death. He served as Secretary of the Governor and Council 1807 and 1809 until 1813 ; as State's Attorney for Rutland County 1810 until 1813, and again in 1815 ; and as Member of Congress 1819 until 1831, in which year, April 15th, he died at Baltimore, Md. A zealous advocate of protection to American manufactures, as chairman of the committee of manufactures he reported the tariff of 1828 and exerted himself greatly to procure its passage. Charles Lanman has stated that "he was held in the highest estimation both for his public acts and private virtues." Rev. Charles D. Mallary, D. D., a Baptist clergyman,

[1] Lanman's *Dictionary of Congress.* The editor of this volume has not been able to verify the statement above quoted.

born at Poultney in Jan. 1801, and a principal founder of Mercer (Georgia) University, was a brother.—Drake's *Dictionary of American Biography;* Lanman's *Dictionary of Congress;* and Deming's *Catalogue.*

William Strong, born in Windham County, Conn., represented Hartford, Vt., in the General Assembly seven years, beginning in 1798; was Sheriff of Windsor County 1802 until 1810, and Assistant Judge in 1816; and Representative in Congress 1811 until March 1815, and again 1819 until March 1822.—Lanman's *Dictionary of Congress;* and Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WOODSTOCK,

October 1807.

Woodstock, State of Vermont ss. A Journal of the proceedings of the Governor and Council of the State of Vermont at their Session begun and holden at Woodstock within and for said state on the second thursday of October in the year of our Lord one thousand eight hundred and seven, and of the independence of the United States the thirty second, pursuant to the laws and constitution of this State. Present His Ex. Isaac Tichenor Governor. His Hon. Paul Brigham Lieut. Governor. Of the Council, Honorable Jonas Galusha Beriah Loomis Noah Chittenden Eliakim Spooner Ebenezer Wheelock Nathaniel Niles Elias Keyes Asaph Fletcher Samuel Shepardson & Josiah Wright. William Page Jr. Secretary—William Strong Sheriff.

Resolved that a Com^ee^ of 5 members from the Council be appointed to Join such Com^ee^ as the General Assembly may please to appoint to Receive, Sort and Count the Votes for the Governor, Lieut. Governor, Treasurer and Councillors for the Year ensuing. Members chosen were, M^r.^ Galusha, M^r.^ Wright, M^r.^ Shepardson, M^r.^ Keyes and M^r.^ Wheelock. The members of the above Committee were sworn to the faithful discharge of their duty. Ordered that the Secretary carry the same to the house.

M^r.^ [Titus] Hutchinson returned from the house and brought the above resolution with this order thereon of the house; "In General Assembly October 8^th^ 1807. Resolved that a Committee consisting of three members from each County be appointed to join the above committee from the Council for the purpose mentioned in the above resolution and the following Gentlemen were appointed and sworn to the faithful discharge of their duty. Viz. Messrs. Shumway, Rising, Graves, Whitney, Bradley, Campbell, Shaw, P. Smith, Hendee, [Hunter,] Leland, Luce, Rich, E. Fuller, S. Jewett, Chase, [Peaslee,] Hotchkiss, Butler, Barney, G. Robinson, Cameron, Griswold, Mattocks, Hazeltine,

Farnsworth, Blodget, Baxter, Taylor, Parker, Ingham, Slade, Hibbard, Wood, Borden & Haynes. Extract from the Journals Attest M. Post Clerk."

Adjour^{d} 'till 4 O'clock P. M.[1]

4 O CLOCK P. M.—Mr. Bradley, from the House, informed that the Gen^{l} Assembly was convened in the Representatives' Room ready to meet the Council for the purpose of hearing the Committee appointed to rec've, sort & count the Votes &c. The Governor and Council immediately proceeded to the Representatives' room for the purpose above mentioned and the following report was handed in and read as follows—

"To the Hon. the General Assembly now sitting: Your Committee appointed to receive, count and sort the Votes for Governor, Lieut. Governor, Treasurer and Councillors for the Year ensuing, Report—that the Hon. Israel Smith Esquire is elected Governor; that the Hon. Paul Brigham Esquire is elected Lieut. Governor; that Benjamin Swan Esquire is Elected Treasurer—that Jonas Galusha, Elias Keyes, Noah Chittenden, Beriah Loomis, Nathaniel Niles, Asaph Fletcher, Josiah Wright, Ebenezer Wheelock, Samuel Shepardson, Eliakim Spooner, Ezra Butler and Samuel Shaw, Esquires, are elected Councillors for the Year ensuing, all which is respectfully submitted.

JONAS GALUSHA *Chairman.*"

And by direction of the Governor the Sheriff of Windsor County made proclamation of the election of the Persons above named—when the Governor and Council retired to their Chamber.

The Lieu$^{t.}$ Governor in the Chair and the Councillors as above when the following resolution was received from the General Assembly—"In Gen^{l} Assembly Oct. 8th 1807. Resolved that a Committee of three Members be appointed to join such Committee as the Governor and Council may appoint to wait on the Hon. Israel Smith to inform him that he is duly elected Governor in and over the State of Vermont for the year ensuing by the suffrages of the freemen; read and adopted and Messrs. T. Hutchinson, Jacob Smith, and Mr. Shaw were appointed a Committee on the part of the House. Extract from the Journals Attest M. Post Clerk." Which was read and resolved to concur in the within Resolution and that M$^{r.}$ Niles be a committee for said purpose.

Adj^{d} 'till 9 O Clock to morrow morn$^{g.}$

WOODSTOCK, October 9th 1807.

In Council Present, His Hon. Paul Brigham Lieut. Governor. Of the Council The Hon. Jonas Galusha Nathaniel Niles Noah Chittenden Beriah Loomis Elias Keyes Asaph Fletcher Ebenezer Wheelock Eliakim Spooner Samuel Shepardson & Josiah Wright Esquires. William Page Jr Secretary. William Strong Esqr Sheriff.

The Lieut. Governor and Council proceeded to the Representatives' room and after prayers by the Rev^{d} Mr Gross the Oaths of Office were administered by the Chief Justice of the State of Vermont to the Lieut. Governor and the above members of Council.

His Excellency Israel Smith appeared in the Council chamber and proceeded with the Lieut. Governor and Council to the Gen^{l} Assembly and after taking the oaths required by the laws and constitution delivered to both Branches of the Legislature the following Speech.[2]

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[1] The election sermon was delivered by Rev. Thomas Gross.

[2] For the speech see *Appendix* A.

The Governor and Council returned to their chamber and adj^d 'till 2 Oclock P. M.

2 O CLOCK P. M.—The Council met pursuant to adj^t And then adjourned 'till 9 OClock to morrow morning.

WOODSTOCK, October 10^th 1807.

The following resolution was received from the house: "In General assembly Oct. 9th 1807. Resolved that a committee consisting of a member from each County be appointed to join such committee as the Governor and Council may appoint to take into consideration the Governor's speech relating to crimes and punishments; and that they take into consideration all bills and other papers relating to a State prison, referred from the last session of the legislature. Members chosen Messrs. Shumway, [Samuel] Fletcher, P. Smith, Hunter, Olin, Chase, Putnam, Ware, Hubbard, Olds, Ingham & T. Allen. Extract from the Journals Attest M. Post Clerk." Which was read and resolved that we concur in the above resolution and that Gov. Brigham and Mr. Galusha join the Committee from the house.

The following resolution was rec^d from the house—"In General Assembly Oct. 9^th 1807, Resolved, the Governor and Council concurring herein, that both houses meet in their separate houses to morrow morning at 10 Oclock and then and there proceed to ballot for some suitable person as a Senator to fill the vacancy in the Senate of the United States occasioned by the election of the Hon. Israel Smith as Governor of this State. And that afterwards both houses meet in joint committee in the Representatives' room for the purpose of declaring the person elected. And that if they do not agree then they immediately proceed by joint ballot to elect a suitable person for a Senator as aforesaid. Extract from the Journals Attest M. Post Clerk." Which was read and Resolved to concur with the house therein.

Mr Shaw from the house, informed the Governor and Council that the house would proceed immediately to ballot for a Senator to supply the vacancy in [the] Congress of the United States occasioned by the election of the Hon. Israel Smith as Governor of this State, and he withdrew; whereupon it was Resolved to proceed at this time to ballot for a Senator as above expressed in the concurrent resolution of both houses; and the ballots being taken, counted and sorted, the Hon. Jonas Galusha had a majority of all the votes and was duly elected on the part of the Council. Mr. [Charles] Rich appeared in Council and informed the Governor and Council that the house had balloted for a Senator and were ready to meet the Governor and Council in the Representatives' room, compare their respective nominations and proceed according to law; and he withdrew. The Governor and the council accordingly went to the representatives' room for the purpose above mentioned and met the house in joint committee when the above proceedings of the Governor and the Council were read and the proceedings of the house of Representatives as follows; "In gen^l Assembly Oct. 10^th 1807, 10 O clock A. M. pursuant to the joint resolution of both houses of this day the General Assembly proceeded to ballot for a suitable person to represent this State in the Senate of the United States in the place of the Hon. Israel Smith Esquire elected Governor of this State; the ballots being taken, counted and sorted the Hon. Jonathan Robinson Esquire was duly elected on the part of the house. Extract from the Journals, Attest M. Post Clerk." And the two houses not agreeing in the nomi-

nation the joint Committee immediately proceeded by ballot to elect a Senator agreeably to the concurrent resolution of both houses, and the ballots being taken, sorted and counted the Hon. Jonathan Robinson Esquire had a majority of all the votes and was declared duly elected by the joint ballot of both houses; and by the direction of his excellency the Governor the Sheriff of Windsor County made proclamation of the same; and the Governor and Council returned to their chamber.

SATURDAY October 10th, 1807.

The Honorable Samuel Shaw and Ezra Butler appeared in the Council Chamber and signified their acceptance of their Offices of Councillors to which they had been declared to be elected, and his honor the [Lieut.] Governor Brigham administered the Oaths required by the constitution & laws to Messrs. [Mr.] Shaw; and Mr. Butler made affirmation.

Adj^d^ to 2 Oclock Afternoon.

[2 O'CLOCK P. M.]—The Council met pursuant to adj^t^

The petition of Oliver Harmon for compensation for confiscated lands was rec^d^ from the house with this order thereon—"In General Assembly Oct^r^ 10th 1807 read and referred to the committee of Claims to join the committee from the Council. Members chosen from the house Messrs D. Chipman, T. Hutchinson, J. Smith, J. Roberts and J. Fisk. Attest M. Post Clerk." And the same being read it was Resolved that Mr. Niles join with the house in their committee on said petition.

An act appointing Daniel Buck and Dudley Chase Esquires to institute a Suit against John Wheelock Esq^r^ respecting the seventh section of an act therein mentioned, which was received from the house with this order thereon; "In General Assembly Oct. 10th 1807. Read and referred to Messrs D. Chipman and Chase, Spencer, T. Hutchinson and Rich to join a committee from the Council; Attest M. Post Clk"—which was read and it was Resolved that Mr. Keyes join the Committee appointed by the house on s^d^ Bill.

Adjourned to 10 O Clock Monday Morning.

WOODSTOCK October 12th 1807.

The Council met pursuant to adjournment.

The petition of Beniah Woodward now confined in Woodstock Goal, stating that he was confined in said Goal on a sentence of the Supreme Court at an adj^d^ Session of said Court in Windsor County, praying that his imprisonment might be remitted, was read and ordered to be laid on the table.

The following resolution was received from the house—"In General Assembly Oct. 10th 1807, Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room in joint committee on tuesday next at 10 OClock in the forenoon for the purpose of electing the Judges of the Supreme Court for the year ensuing. Extract from the record Attest M. Post Clerk"—which was read and it was resolved to concur with the house in the same.

The following resolution was received from the house; "In General Assembly Oct. 10th 1807, Resolved, the Governor and Council concurring herein, that the Members of both houses meet in County Conventions at 4 OClock afternoon for the purpose of making their nominations for county officers for the year ensuing; and that both houses meet

in joint committee in the representatives' room at the opening of the house on wednesday morning following for the purpose of making the appointment of such officers. Attest M. Post Clerk"—which was read and concurred.

The petitions of Andrew Lackie, the Selectmen of Williamstown, from Daniel Merriman and others, all praying for relief where mistakes had been made in the grand lists of their respective towns, were received from the house with this order on each—"In Generall Assembly October 10th 1807, read and referred to the joint Committee of Claims. Attest M. Post Clerk"—which were severally read in Council on the 12th day of the same month and it was resolved to concur with the house in the above reference.

The petition of Jonathan Spafford, praying for an act to suspend all civil prosecutions against him for a term of years, [was received from the house] with this order thereon; "In General Assembly Oct. 10th 1807, Read and referred to Messrs. Fletcher, Hall and Aiken, to be denominated the committee of suspension, to join a Committee from Council. Attest M. Post Clerk." Which was read and it was resolved that Mr. Loomis be appointed to join the Committee from the house on the said petition.

The petition of William Scott and John Spencer, and the petition of Luther Baily, each praying for an act to suspend all civil suits against them for a term of years, were recd from the house with this order on each—"In General Assembly October 10th 1807, Read and referred to the Joint committee of Suspension. Attest M. Post Clerk." Which were Severally read and it was resolved to concur with the house in the above reference.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The petition of Joel Eddy, praying for a remission of a fine imposed upon him by the Supreme Court of Judicature at their term in Windham County in August last on a conviction of passing counterfeited money or bills, was read and ordered to lie on the table until tomorrow morning at 10 OClock in the forenoon.

Adjourned 'till 9 OClock tomorrow Morning.

Tuesday, October 13th 1807.

The Council met pursuant to adjournment.

The petition of William Slade in the cause of David Ramsdill against him was received from the house with this order thereon—"In General Assembly Oct. 12th 1807. Read and referred to the Committee of New trials to join a Committee from the Council. [Members chosen,] Messrs. Spencer, Mattocks and Ware. Attest M. Post Clerk." Which was read and it was resolved that Mr Fletcher join the Committee appointed on the part of the house on said petition.

The petition of Samuel Horr and others, praying for an act to incorporate him and his associates for the purpose of Manufacturing Cotten yarn, was received from the house with this Order thereon—"In General Assembly October 12th 1807. Read and referred to Messrs Norris, Hotchkiss, D. Chipman, C. Fisk & Blodget to join a Committee from the Council. Attest M. Post Clerk"—and the same being read it was resolved that Mr Wright join the above Committee.

A petition of Sundry inhabitants of Marshfield, praying for the exclusive privilege of manufacturing gun-powder within this state for the term of ten years, was recd from the house with this order thereon: "In General Assembly Oct. 12th 1807, read and referd to the joint Committee

[on the petition of] Samuel Horr and others. Attest M. Post Clerk"—which was read and it was Resolved to concur with the house in the above reference.

The petition of Zacheus Johnson, praying for an act of Suspension, was rec^{d} from the house with this order thereon—"In General Assembly Oct 12th 1807, Referred to the joint Committee of suspension. Attest M. Post Clerk"—which was read and it was resolved to concur with the house in the above reference.

Pursuant to the concurrent resolution of both houses the Governor and Council proceeded to the representatives' room and met in joint committee for the purpose of electing Judges of the Supreme Court of Judicature and Court of Chancery for the year ensuing, and after compleating the same, the Governor and the Council returned to their Chamber.[1]

The petition of Johnson Richardson, praying for relief in the support of John Vincent, a poor Indian, was received from the house with this order thereon—"In General Assembly Oct. 13th 1807, Read and referred to the joint committee of Claims. Attest M. Post Clerk." Which was read and it was resolved that the Council concur in the above reference.

The petition of Phinehas Slayton, praying for a suspension of civil process against him for the term of five years, was rec^{d} from the house with this order thereon—"In General Assembly Oct. 12th 1807, Read and referred to the joint committee of suspension. Attest M. Post Clerk"—which was read and it was Resolved to concur with the house in the above reference.

The petition of Joel Eddy was again read and it was unanimously resolved on motion that the prayer thereof ought not to be granted; and also unanimously resolved that the same be dismissed.

Adjourned to 2 OClock Afternoon.

2 OClock Afternoon.—The petition of the inhabitants of Bradford, praying that a part of Newbury might be annexed to the town of Bradford, and a petition of the inhabitants of Newbury against the first, were rec^{d} from the house with this order on each: "In General Assembly Oct. 13th 1807, Read and referred to Mess. D. Chipman, Rich, and Olin, to join a committee from Council. Attest M. Post Clerk"—which were severally read and it was Resolved that Mr. Wheelock Join on the Committee from the house on the above petition.

Adjourned to 9 O'clock to morrow morning.

Woodstock, October 14th 1807.

The Council met pursuant to adjournment.

Pursuant to the concurrent resolution of both houses the Governor and Council proceeded to the representatives' room and met the house in joint committee for the purpose of receiving the County nominations and appointing the respective County officers for the year ensuing, and having made progress in the same, the Committee was adjourned untill Saturday morning next to meet in the representatives' room at the opening of the house.

The following resolution was rec^{d} from the house: "In General Assembly Oct. 13th 1807, Resolved that his Excellency the Governor be requested with and by the advice of Council to appoint thursday the

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[1] Royall Tyler, Theophilus Harrington, and Jonas Galusha were elected.

third day of December next to be observed [as] a day of public thanksgiving and prayer throughout this State. Extract from the Journals, Attest M. Post Clerk." Which was read and Resolved that the Council advise his Excellency the Governor to issue his proclamation in compliance with the above resolution.

The petition of D. Wilcox, praying for an exclusive privilege of keeping a ferry from South Hero to Cumberland head, and a number of accompanying papers, were received from the house with this order thereon: "In General Assembly Oct. 13th 1807, Read and referred to Messrs Buck, Hine, McLaughlin, Tenney & Tubbs to join a committee from the Council. Attest M. Post Clerk." Which was read and it was resolved to join in Committee and that Mr. Shepardson be appointed.

The petition of Benjamin Mattison for a new trial in the case of Christopher Roberts against him was recd from the house with this order thereon: "In General Assembly Oct. 13th 1807, Referred to the joint committee of new trials. Attest M. Post Clerk"—which was read and it was Resolved to concur with the house in the above reference.

The petitions of Thomas H. Parker, Stephen Woodward and Oliver Willard, each praying for an act to suspend all civil prosecutions against them for a term of years, [was received from the house] with this order on each; "In General Assembly Oct. 13th 1807, read and referred to the joint Committee of Suspension. Attest M. Post Clerk." Which were severally read, and it was Resolved to concur with the house in the above reference.

His Excellency the Governor was pleased to appoint Rollin C. Mallary Secretary for himself and the Council.

Attest WILLIAM PAGE Jur. *Secretary.*

Adjourned to 2 OClock P. M.

2 OCLOCK P. M.—The petition of Prince B. Hall, praying to be admitted to the poor debtor's oath, was recd from the house with this order thereon: "In General Assembly Oct. 12th 1807, read and referred to the Joint committee of Claims. Attest M. Post Clerk." The petition of Ebenezer Markham, praying an act of suspension from all civil prosecutions for the term of ten years, was recd from the house with this order thereon—"In General Assembly Oct 13th 1807. Read and referred to the joint committee of suspension. Attest M. Post Clk." The petition of Thomas Rice alias Thomas Nicholas, praying for the alteration of his name to Thomas Rice, was recd from the house with this order thereon—"In General Assembly Oct. 12th 1807, read and resolved that the prayer thereof ought to be granted and that the petitioner have leave to bring in a bill accordingly. Attest M. Post Clerk." The above and foregoing petitions were each of them read and it was resolved to concur with [the orders of the house on] each and all of them.

An act laying a duty on bank bills imported into this State [was received from the house] with this order thereon,—"In General Assembly Oct. 14th 1807. This bill was brought in by Mr. Herrington and referred to Mr. T. Hutchinson, D. Chipman and Olin to join a committee from the Council. Attest M. Post Clerk." Read and it was resolved to concur with the house in the above reference and his Hon. P. Brigham was appointed to join the above committee.

An engrossed bill entitled "an act to confirm the name and doings of Thomas Rice" was recd from the house; and was read; and it was resolved to concur with the house in passing the same without amendment.

The petition of Thomas Kimball, praying for the remission and pardon of certain crimes of which he had been convicted and sentenced to be

punished, was read and it was resolved that the part of the sentence which relates to corporal punishment should be remitted and also as it relates to the whole time of his imprisonment.

Adjourned to 9 OClock to morrow morning.

October 15th 1807.

The Council opened according to adjournment.

The petition of Daniel Janes, praying that the Secretary may alter a mistake of record in which his name is written Jones, was read and postponed till afternoon this day.

The petition of Otis White, praying for an act of suspension, was recd from the house with this order: "In General Assembly Oct. 14th 1807, resolved that it be referred to the joint committee of suspension," and read and it was resolved to concur in the reference.

The petition of Beniah Woodward was called up and on motion it was unanimously resolved to dismiss the petition.

The Hon. Jonas Galusha resigned his seat in the Council upon his being appointed one of the Judges of the Supreme Court.

The Honorable Royall Tyler Esqr as Chief Judge, and the Honorable Theophilus Harrington and Jonas Galusha Esquires as Side Judges of the Supreme Court of Judicature and Court of Chancery of the State of Vermont, appeared in Council and their respective Oaths of Office were administered to them by his Hon. Lieut. Governor Paul Brigham Esqr.

The petition of [Asa] Farnum and others, praying for the amendment of their certain declaration [in a pending suit,] was received from the house with an order [for a committee] to join a committee from the Council, [which] was read and it was resolved to concur and Mr. Spooner on the part of the Council was appointed.

Adjourn'd to 2 OClock afternoon.

2 OClock P. M.—Council met as by adjournment.

An engrossed bill was recd from the house entitled "an act altering the name of Caleb Hogg to that of Caleb Hall," and it was read and resolved to concur with the house and that the same become a law.

The petition of George Downer for the pardon of certain crimes was read and ordered to lie.

The petition of Daniel Janes was called up and on motion, resolved that it lie.

The petition of Eliakim Spooner was recd from the house with this order thereon: "Read and resolved that it be referred to the joint committee of Claims. Attest M. Post Clerk." Read and resolved to concur with the house in the above reference.

Received from the house these Petitions, of Isaac Farr and William S. McLeod, with this order on each: "In General Assembly Oct. 15th 1807, read and referred to the joint committee of Suspension. Attest M. Post Clerk." They were each of them read; and it was resolved that the Council concur with the above reference.

Recd from the house the petition of Philip Smith and others with this order thereon, "In General Assembly Oct. 15th 1807, read and referred to the Joint committee of claims. Attest M. Post Clerk." Read and resolved to concur in the above resolution and reference.

The petition of sundry inhabitants of Chittenden County praying for the [a] branch of Vermont State Bank [was received from the house] with this Order thereon; "In General Assembly Oct 15th 1807, read and referred to [Messrs.] Rising, Dennison, N. Chipman, Olds, French and T. Allen to join Committee from Council. Attest M. Post Clerk."

Read and resolved to concur with the house in the above reference and that Mess. Butler and Shaw join.

Received three other petitions from the house for banks [branches of the State Bank;] one from Rutland, one from Orleans and Essex &c. & one from Windham Counties, with orders from the house to be referred to the last mentioned joint committee, and were read and on motion it was resolved to concur in the reference, Messrs Butler and Shaw being the members on the part of Council to join.

Adj[d] to 9 OClock to morrow morning.

Woodstock October 16[th] 1807.

The Council met pursuant to adjournment.

The petition of Joshua Woodward, praying to be released from imprisonment to which he had been Sentenced by the Supreme Court of this State for passing Counterfeited bills, was rec[d] and on motion postponed 'till the petitioner's and the State's Attornies were called.

The petition of George Downer was called for; and on motion was dismissed.

The petition of Robert Blood, praying for a new trial, was rec[d] from the house with this order thereon: "In General Assembly Oct. 16[th] 1807, Read and referred to the Joint Committee of New trials. Attest M. Post Clerk." Read and resolved to concur in the above reference.

The petition of Timothy Brown, praying for indemnification for certain losses, was received from the house with this order thereon: "In General Assembly Oct. 16[th] 1807, Read and referred to Messrs. Spencer, P. Smith & C. Roberts to join Committee from Council. Attest M. Post Clerk." Read and resolved to concur with the house in the above reference and that Mr. Keyes join.

On motion Messrs. Chittenden and Loomis were appointed to supply the place of Mr. Galusha in the Committees on the Governor's speech relating to crimes and punishments and State Prison.

Adj'd to 2 OClock P. M.

The Council met pursuant to adjournment.

A bill entitled "an act to revive an act for laying a tax of three cents per acre on the lands of Wolcott" was received from the house engrossed, was read and referred to Mr. Niles to report information.

Received from the house the petition of the Inhabitants of Franklin County, praying for a branch of the Vermont State bank, with this order thereon: "In General Assembly Oct. 16[th] 1807, read and referred to the joint Committee [on the petition] of George Robinson and others. Attest M. Post Clerk." [Read and it was resolved to concur in the above reference.]

The petition of Joshua Woodward was called up, the attornies Messrs Chase and Buck appearing, and after debate and on motion it was dismissed.

The petition of the Inhabitants of Windsor, praying for a Bank, was received from the house with this order thereon: "In General Assembly read and referred to the joint committee on banks." Read and it was resolved to concur with the house in the above reference.

Adjourned to 9 OClock to Morrow Morning.

Saturday Oct. 17[th] 1807.

The Council met pursuant to adjournment.

The Governor and Council proceeded to prayers in the representatives' room and after they were finished they instantly went into joint

committee of the whole and then adjourned for one hour; the Governor and the Council returned to their Chamber and proceeded to business.

The following resolution was rec^{d} from the house: "In General Assembly Oct. 16th 1807, resolved that a Committee of three be appointed from this house to join a committee from the Council to inquire into the expediency of passing an act authorising the Supreme Court to issue a Citation to the Connecticut river turnpike Company to shew cause why the Grant of said turnpike road should not be vacated. Members chosen [Messrs.] Chase, Dennison and Olin. Extract from the Journals Attest M. Post Clerk." Read and resolved to concur with the house in the above resolution [reference] and that Mr. Wright be appointed to Join on the part of the Council.

The petition of the Inhabitants of Addison County [for the incorporation of a cotton manufacturing company] was received from the house with this order thereon: "In General Assembly Oct. 16th 1807, read and referred to the joint committee [on the petition] of Samuel Horr and others. Attest M. Post Clerk." Read and resolved to concur with the house in the above reference.

The Governor and Council met in the Representatives' room in joint committee agreeable to adjournment and after making progress in the appointment of [county] officers which came before them, adjourned untill next Wednesday morning at 10 OClock—And then adjourned; and the Governor and Council returned to their Chamber and then adjourned 'till 2 OClock in the afternoon.

The Council met pursuant to adjournment.

The petition of the president and directors of the Green Mountain Turnpike [Company] was rec^{d} from the house with this order thereon: "In General Assembly Oct. 17th 1807, read and referred to Messrs. J. Fisk, Hinman, Dennison & Hunter to join a committee from the Council. Attest M. Post Clerk." Read and resolved to concur with the above reference and Mr Shepardson appointed [to] join said Committee.

The petition of John Parker and others was received from the house with this order thereon: "In General Assembly read and referred to the Committee on the petition of the President and directors of the Green Mountain Turnpike Company. Attest M. Post Clk." Read and resolved to concur with the house in the above reference.

The remonstrances of the Inhabitants of Ludlow and others; of the inhabitants of Shrewsbury and others, with this order on each: "In General Assembly Oct. 17th 1807, read and referred to the joint Committee on the petition of the president and directors of the Greenmountain Turnpike Company. Attest M. Post Clerk." Read and resolved to concur with the house in the above reference.

Adjourned to 10 O'clock Monday Morning.

Woodstock October 19th 1807.

The Council met pursuant to adjournment.

There not being a quorum present, the Council adjourned to 2 OClock in the afternoon.

2 OClock P. M.—An engrossed bill was received from the house entitled "an act laying a tax of two cents an acre on all the lands of Readsboro" (public lands except,) which was read and referred to Mr. Shepardson to report information.

An engrossed bill was received from the house entitled "an act incorporating the proprietors of Montpelier Aquaduct Company;" which was read and referred to Mr. Keyes to report information.

An engrossed bill was rec[d] from the house entitled "an act remitting a sum of money to the town of Williamstown;" [which] was read and ordered to lie for further consideration.

An engrossed bill was rec[d] from the house entitled "an act laying a tax of two cents on each acre of land in the town of Duxbury;" which was read and ordered to lie; and immediately it was called up and read, and it was resolved to concur with the house in said bill and that the same become a law.

Rec[d] from the house an engrossed bill entitled "an act laying a tax of three cents pr. Acre on the land in the town of Moretown;" which was read and it was resolved to concur with the house in the above bill with the following amendment, to wit, after the word "*collection*" in the fourth line from the bottom, erase the "*of*" and insert the words "*and accounting for*"; and also that Mr. Loomis be requested to inform the house of the reasons for that amendment.

Adjourned to 9 O clock A. M. to Morrow Morning.

October 20th 1807.

The Council met pursuant to adjournment.

Received from the house, an engrossed bill entitled an "act to authorize the proprietors and landowners of the town of Burke to appropriate lands for the use of Roads," which was read and ordered to lie on the table; but was instantly called for and on motion it was resolved not to concur with the house in passing the same.

Received from the house an engrossed bill entitled "an act appointing Auditors to adjust the claims of the Counties of Franklin and Grand Isle," [which] was read and referred to Messrs Butler and Chittenden for information.

Rec[d] from the house an engrossed bill entitled "an act granting to Azariah Brooks the exclusive right of keeping a Ferry;" which was read and on motion it was Resolved to concur with the house in passing the bill.

Received from the house an engrossed bill entitled an "act annexing a part of the town of Pomfret to the town of Sharon;" which was read and ordered to lie.

Adjourned till 2 OClock afternoon.

The Council met pursuant to adjournment.

A petition from the inhabitants of Bennington County for a Branch of the Vermont State bank was received from the house with this order thereon: "In General Assembly Oct. 17th 1807, read and referred to the joint committee on the several petitions for branches for the Vermont State Bank. Attest M. Post Clerk." Read and resolved to concur with the house in the above reference.

Four engrossed bills were received from the house of the following description: one to "incorporate the proprietors of the Montpelier Aquaduct Company;" one laying a tax of three cents on each acre of land in the town of Ludlow; one annexing a part of Pomfret to the town of Sharon; one, "remitting a sum of money to the town of Williamstown;" which were severally read and it was resolved to concur with the house in passing the same.

The engrossed bill committed to Mr. Niles, entitled an act to revive an act laying a tax on Wolcott, was called up, read and on motion it was resolved to concur with the house in passing the same.

An engrossed bill was received from the house entitled "an act in amendment of and to repeal part of an act concerning Bills of Divorce, [which] was read and on motion ordered to lie on the table.

On motion, Mr Niles was appointed to assign the reasons of the Council in their non concurring with the house in an act entitled an act to authorize the proprietors of Burke to appropriate lands for the use of roads—But They were immediately rescinded as to Mr Niles being appointed to carry the reasons aforesaid to the house and Ordered that the Secretary carry the Same.

An engrossed bill was received from the house entitled an act granting relief to Prince B. Hall which was read and ordered to lie on the table untill to morrow morning.

An engrossed bill was received from the house entitled an "act appointing auditors to adjust the Claims of the Counties of Franklin and Grand Isle," which was read and it was resolved to concur with the house in the above bill and that the same become a law.

An engrossed bill (that by Council had been referred to Mr Shepardson to report information) entitled an act laying a tax of two cents on each acre of land of the town of Readsborough, was read and it was resolved to concur with the house in passing the same.

An engrossed bill was rec^{d} from the house entitled an "act in amendment of an act entitled an act constituting a Company of Artillery in the town of Bakersfield," which was read and it was resolved to concur with the house in passing the same.

Adjourned to 9 to morrow morning.

WOODSTOCK October 21st 1807.

The Council met pursuant to adjournment.

The petition of Alexander McDonald [was received from the house] with this order thereon: "In General Assembly Oct. 21st 1807, read and refer'd to the joint Committee of New trials. Attest M. Post Clerk." Read and it was resolved to concur with the house in the above reference.

Received from the house a resolution appointing a committee from the house to join a committee from the Council to prepare an address to the President of the United States; and it was resolved to concur with the house in said resolution and that Mr. Niles be appointed to join.

Received from the house a resolution appointing a committee from the house to join the committee from the Council to enquire into the expediency of laying out &c. a road from the road on white River near Marsh's Mills in Bethel, to the road on a branch of Onion river and near the meetinghouse in Williamstown, and report &c.—the members chosen on the part of the house to join were Messrs Chase, Thompson and P. Smith; which was read and it was resolved to concur with the house in the above reference—and that Mr. Fletcher join said Committee.

The act granting relief to Prince B. Hall was called up and on motion it was ordered to lie.

The Governor and Council, pursuant to adjournment, met the house in joint Committee in the Representatives' room for the purpose of compleating the appointment of County officers; and after progress adj^{d} to next Friday at ten OClock in the forenoon.

The bill entitled an "act granting relief to Prince B. Hall was called up and on motion it was resolved not to concur with the house in passing the same; and that Mr. Shaw carry the same to the house.

Adjourned to 2 OClock in the afternoon.

2 O'CLOCK AFTERNOON.—The Council met pursuant to adjournment.

Received from the house the petition of Hezekiah Pierce, praying for

an act of suspension of civil prosecutions against him for a term of years, with this order thereon: "In General Assembly Oct. 21st 1807, read and referred to the joint committee of suspension. Attest M. Post Clerk"—which was read and it was resolved to concur with the house in the above reference.

An engrossed bill was received from the house entitled an "act laying a tax of two cents on each acre of land in the town of Troy;" which was read and on motion it was resolved to concur in passing the same and that it become a law.

An engrossed bill was recd from the house entitled an "act in amendment of and to repeal part of an act concerning bills of Divorce," which was read and on motion, was resolved to concur with the house in passing the same and that it become a law.

An engrossed bill was recd from the house entitled an act authorizing the Selectmen of the town of Cabot to alter a part of the County Road leading from Danville Courthouse to Montpelier; which was read and on motion it was resolved to concur with the house in passing the same.

Received from the house an engrossed bill entitled an "act to extend the effect and operation of an act entitled an act laying a tax of two cents pr. acre on the town of Sunderland;" which was read and referred to Mr. Wheelock to report information.

Received the following resolution from the house: "In General Assembly Oct. 21st 1807, Resolved that the house do concur with the Governor and Council in their amendment to an act entitled an "act laying a tax of three cents pr. acre on the town of Moretown;" and that the same become a Law. Extract from the Journals Attest M. Post Clerk."

Recd from the house an engrossed bill entitled "an act to repeal a certain act and parts of an act therein mentioned relating to the support of the Gospel;" which was read; the Yeas and Nays were called for; and the Council proceeded to the debate on the question, "Shall we concur with the house in passing the bill?" when it was ordered to lie on the table 'till to morrow morning. And then on motion the Council was adjourned 'till to morrow morning at 9 OClock.

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9 OClock Oct. 22nd 1807.

The Council met pursuant to adjournment.

Mr. Wright was excused from serving on committee on account of ill health and Mr. Shaw be [was] appointed to serve on the same and supply his place.

The bill entitled an "act laying a tax of one cent per acre in the town of Duncansboro" [Newport,] which had been referred to Mr Spooner, was called up and on motion to amend the Bill in a certain part, it was decided in the negative—and on motion it was resolved to non-concur with the house in passing the same and that Mr. Chittenden inform the house of the reasons why the Council do not concur.

The bill entitled "an act to repeal a certain act and parts of an act therein mentioned relating to the support of the Gospel" was again called up and after debate, the Council adjourned to 2 OClock in [the] afternoon.

2 OClock afternoon—The last mentioned bill was called up and on [after] debate the Council was adjourned till 9 OClock to morrow morning.

Oct. 23d 9 OClock in the forenoon.

The Council met pursuant to adjournment.

Mr Wheelock made report on the bill entitled an "Act to extend the effect and operation of an act entitled an act laying a tax of two cents pr acre on the town of Sunderland," which was read and on motion it was resolved to concur with the house in passing the same.

An engrossed bill was recd from the house entitled "an act laying a tax on the County of Franklin," which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed bill entitled "an act empowering the proprietors and land owners of Westford to confirm their former proceedings," which was read and on motion it was resolved to refer the same to Gov. Brigham and Messrs Butler and Chittenden to report information.

The Governor and Council met in the Representatives' room in joint committee pursuant to adjournment for the purpose of compleating the County nominations and after making progress in the same the Committee was adjourned 'till Friday next at Ten OClock in the forenoon.

Received from the house the "report of the Directors of the Vermont State Bank," with this order thereon: read and referr'd to Messrs Chase, Rich, Meach, Cameron & Luce to join a Committee [from Council] to report such bill or bills as may be thought necessary; which was read and it was resolved to concur in said reference and that Messrs Niles and Keyes be appointed to join.

Received from the house the following bill entitled "an act authorizing Collectors to receive bills of the Vermont State Bank in payment of taxes" with this order—"In General Assembly Oct. 22nd 1807, the resolution was bro't in by Mr. Harrington and referred to the joint committee on the report of the Directors of the Vermont State Bank. Attest M. Post Clerk"—which was read and it was resolved to concur with the house in the above reference.

The bill relating to the support of the Gospel was called up and after debate it was ordered to lie on the table—And on the motion for adjt the Council adjourned 'till 2 OClock in the afternoon.

[2 oclock P. M.] Received from the house a resolution [bill] entitled "an act directing the Treasurer to pay Thomas Tolman the sum therein mentioned," with this order thereon: "In General Assembly Oct 23d 1807, read and referred to Messrs N. Chipman, Bradley & Buck, to join Committee from Council. Attest M. Post Clerk." Which was read and it was resolved to concur with the house in the above reference and that Mr Shaw be appointed.

Received from the house an engrossed bill entitled "an act laying a tax of two cents per acre on the town of Stamford," which was read and on motion it was ordered to lie on the table.

Receiv'd from the House an engrossed bill entitled "an act in addition to an act entitled an act &c. regulating the proceedings of the County and Supreme Courts," which was read and on motion it was resolved to concur with the house in passing the same and that it become a Law.

The bill relating to the support of the Gospel was called up and on motion it was ordered to lie on the table and the Council adjourned to 9 OClock A. M. to morrow.

Sat. Oct. 24th 1807, 9 OClock A. M.

An engrossed bill was received from the house entitled "an act to provide for the compilation and printing of the laws of this State,"

which was read and then Committed to his Excellency the Governor and Mr. Niles for examination.

The bill relating to the "former proceeding of the town of Westford" was called up and on motion it was resolved to concur with the house in passing the same.

The Bill relating to the support of the Gospel was called up and the "*Yeas*" and "*Nays*" were taken on the following question, "Shall we concur with the house in passing the above mentioned bill?" and the following Members were in the affirmative Viz. Messrs Chittenden, Spooner, Keyes, Fletcher, Shepardson, Wright, Shaw and Butler, and the following in the negative, Gov. Brigham, Messrs Loomis, Wheelock and Niles, and therefore the Council Concurred with the house in passing the aforesaid Bill.[1]

Ad'd to 2 OClock P. M.

2 OClock P. M.—A Bill entitled an "act directing the treasurer to pay Eliakim Spooner the sum therein mentioned" was read and ordered to lie.

An engrossed bill was received from the house entitled "an act granting the right of Ferry to Daniel Wilcox and Benjamin Bell for ten years," which was read and it was resolved to concur with the house in passing the same.

The Council adj'd to 10 OClock Monday A. M.

The Council met pursuant to adjournment on Monday 10 OClock A. M. Oct. 26th 1807.

Received from the house an engrossed bill entitled "an act laying a tax of three cents per acre on the town of Greensboro," which was read and it was resolved to concur with the house in passing the same.

An engrossed bill entitled an "act laying a tax of two cents per acre on the town of Stamford," which was [called up,] read, and on motion it was resolved to concur with the house in passing the same.

The following engrossed bills were rec'd from the house, Viz: One, "an act establishing an Academy in the town of Dorset." One, "an act in addition to an act entitled an act for the distribution of the laws and other public papers of this State"; One, an act granting to Elisha Belding the exclusive right of keeping a ferry"; One, "establishing Manchester Turnpike Company"—One, "Granting a Ferry to Henry Scott"; one "Granting a new trial to William Slade"; which were severally read and it was resolved to concur with the house in passing the same.

An engrossed bill was received from the house "relating to the fraudulent sales of Choses in action" which was read and referred to Messrs Butler, Shaw and Niles.

The engrossed bill "legalizing the marriage of Betsy Case" [was received from the house,] which was read and ordered to lie.

Two engrossed Bills were rec'd from the house, one called "an act to provide for the compilation and printing the laws of the State"—one called "an act granting a new trial to Alexander McDonald," which were each of them read and it was resol'd to concur with the house in passing the same.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The following engrossed bills were rec'd from the house—One, laying a tax of two cents per acre on the town of Sher-

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[1] See Vol. I, pp. 400–402. The above repealing act was passed on the recommendation of the Council of Censors.

burne, which was read and ordered to lie.—Also a bill "granting to Nathan Niles a Ferry across Missisqui Bay," which was read and it was resolved to concur with the house in passing the same.

The Petition of Daniel Janes was called up and ordered to lie on the table.

An engrossed bill was recd from the house entitled an "act granting a New trial to Robert Blood," which was read and it was resolved to concur with the house in passing the same.

Received from the house a resolution appointing Wednesday next at 10 O'Clock in A. M. the time for meeting in joint committee for the purpose of appointing Brigadier Generals &c. which was read and on motion it was resolved to concur with the house in the same.

Received from the house "an engrossed bill" (which had been returned from Council to the house non-concurred and now sent up again) "granting relief to Prince B. Hall," which was read and it was resolved to concur with the house in passing the same.

The Bill legalizing the marriage of Betsey Case was called up and then the "*Yeas*" and "*Nays*" were called for on this question, "Shall we concur with the house in passing this Bill?" and the following members of the Council were in the affirmative Viz: Gov. Brigham, Messrs Keyes, Loomis, Fletcher, Wheelock, Shepardson, Spooner, Shaw and Butler; and Nays were Mr Niles—so it was decided in the affirmative and the bill passed.

Received from the house an engrossed bill entitled "an act confirming the title of a Certain piece of Land to Benjamin Harrington," which was read and ordered to lie.

The Bill relating to the sale of "Choses in action" was called up and on debate ordered to lie on the table—and the Council adjourned to 9 OClock to morrow A. M.

A. M. 9 O'Clock Tuesday Oct. 27th 1807.

The Council met pursuant to adjt.

The abovementioned bill was called up, read and resolved to concur with the house in passing the same.

Recd from the house an engrossed bill "laying a tax of two cents per acre on the town of Pittsfield" and ordered to lie.

The following engd Bills were received from the house Viz. one laying a tax of two cents per acre on the town [of] Topsham, one "laying a tax of two cents on the town of Kellyvale" [Lowell,] one "laying a tax of three cents [per acre] on the town of New Huntington;" One "laying a tax of three cents per acre on the town of Plainfield;" one "laying a tax of two cents per acre on the town of Enosburgh," which were severally read and it was resolved to concur with the house in passing the same.

The petition of Daniel Janes was called up and he was allowed to bring in the following Resolution, Viz—

"Whereas Daniel Janes has preferred his petition to his Excellency "the Governor and the Honorable Council, in which he states that he "was one of the Original proprietors of the town of Goshen and that in "the Charter of said town by mistake his name is written "*Jones*," "instead of "*Janes*" by the Secretary; and now he prays that the mistake "may be rectified, and his name written as it originally should have been; "and whereas the said Daniel Janes has produced before His Excellency "the Governor and this Honorable Council the Original list of the pro- "prietors' names to whom the town afores[d] was Granted, which was

"drawn up and Certified by the former Land Committee, Samuel Safford "Esqr. for the purpose of being entered in said Charter, when made, and "also he has produced a copy of the Charter of said town of Goshen "which was certified by a former Secretary, and by him examined for "record, in both of which his name is written "*Janes*," Both of which "papers were found lodged in the Secretary of State's Office; Therefore, "Resolved, that in the Original Charter afores[d] and the record of the "same, the Secretary be directed to alter said name of "*Jones*" to that "of *Janes*" and that the said Daniel Janes shall enjoy all the rights and "privileges as if no mistake had been made and his name had always "been written "*Janes*" instead of "*Jones.*" Upon which, this Question was taken, Viz, "Shall we adopt this resolution, direct the Secretary to enter it at large on the Journals of the Council and also on the Book of Charters?" and it passed in the affirmative and so the resolution was adopted.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

Rec[d] from the house an engrossed Bill "laying a tax of three cents per acre on the town of Richford" which was read and it was res'd to concur with the house in passing the same with this amendment, Viz. "by striking out the Name, "*Caleb Boys*" and insert "*Stephen Blazden.*"

Rec[d] from the house the following engrossed Bills; one "laying a tax on the town of Middlesex; and also to revive the same:" also one, entitled "an act to revive &c. an act laying a tax on Enosburgh Gore"—One entitled "an act in addition to an act &c. assessing a tax of five mills pr acre on [the] County of Caledonia;" which were severally read and it was resolved to concur with the house in passing the same.

Received from the house the engrossed Bill "laying a tax of three cents per acre on the Town of Braintree"; which was read, and it was resolved to concur with the house in passing the same with the following amendment—that after the words "of the tax" in the fifth line from the bottom of section second, read, "*the Committee to expend one half the net proceeds of said tax on the roads leading from Braintree to Rochester and Kingston*" [Granville.]

The Bill relating to the sale of "Choses in Action" was called up and on motion it was resolved to concur with the house in passing the same.

The petition of Isaiah Boynton[1] was rec'd from the House with the following order thereon: "In General Assembly Oct. 27th 1807, read and referred to A. Smith, Davis, Butts & E. Smith to join Committee from Council. Attest M. Post Ck"—which was read and it was Resolved to concur with the House in the above reference and that Mr. Niles join.

The Bill relating to a tax on Sherburne was call'd up and again ordered to lie.

An Engrossed Bill was rec[d] laying a tax of two cents five mills on the Town of St. Albans, which was read and ordered to lie.

The engrossed Bill "laying a tax of three cents per acre on the town of Montgomery" was rec[d] and read and ordered to lie.

Adjourned 'till 9 OClock tomorrow A. M.

Wednesday Oct. 28th 1807, 9 OClock A. M.

The Council met pursuant to adjournment.

The following engrossed bills were called up, One "laying a tax of three cents pr acre on the town called Montgomery" and "three cents

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[1] Boyington in the *Assembly Journal.*

on the place called Avery's Gore," which were read and it was Resolved to concur with the house in passing the Same.

The Governor and Council met the house in joint Committee in the Representatives' room pursuant to the concurrent resolution of both houses for the purpose of electing Brigadier Generals &c. and after making the same the Governor and Council returned to their Chamber.[1]

The engrossed bill "laying a tax of two cents per acre on the Town of Winhall"; and on motion it was resolved to concur with the house in passing the same with the following amendment Viz. by erasing the words "*two cents pr acre*" and inserting "*three cents pr acre.*"

Rec^{d} from the house the following engrossed Bills: one entitled "an act laying [a tax of] two cents per acre on the town of Duncansborough" [Newport;] and another entitled an "act laying a tax on the County of Grand Isle," which were read and it was resolved to Concur with the house in passing the Same. Rec^{d} as before an engrossed Bill "Directing the Treasurer to pay the sum therein mentioned," which was read and on motion resolved to concur with the house in passing the same.

Rec^{d} from the house an engrossed bill "laying a tax on the town of Sherburne," which was read and referred to Mr. Loomis.

Rec^{d} from the house an engrossed Bill entitled "an act authorizing the Judges of Franklin County to appoint a Committee for certain purposes," which was read and on motion it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act incorporating [annexing] Burke tongue so Called to the town of Hopkinville; and incorporating a town Called Kirby," which was read and it was resolved to concur with the house in passing the same.

A Bill laying a tax of one and half cent per acre on the town of Westfield, which was read and referred to Mr. Keyes.

Rec^{d} from the house an engrossed Bill, entitled "an act to revive an act laying a tax of two cents per acre on Kelly's Grant N^{o}. 2," which was read and referr^{d} to Mr. Loomis.

Rec^{d} from the house an Engrossed bill entitled "an act laying a tax of three cents pr acre on the town of Lincoln," which was read and it was resolved to concur with the house in passing the same—Also, one, entitled "an act laying a tax of two cents pr acre on the town of Canaan," which was read and it was Resolved to concur with the house in passing the same. Also, one, entitled an "act directing the treasurer to pay the sum therein mentioned," and was read and resolved to concur with the house in passing the same.

Adjourned to 2 O'clock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

The Bill referr'd to Mr. Loomis laying a tax of two cents per acre on Kelly's Grant N^{o}. 2, the revival thereof, which was read and it was resolved to concur with the house in passing the same. The bill laying a tax of two cents pr acre on the town of Sherburn was read and it was resolved to concur with the house in passing the same.

The Bill appointing "a Committee to lay out a road from the Court house in Middlebury to the north line of Huntsburgh" [Franklin,] was read and refer'd to Messrs Niles, Chittenden and Butler.

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[1] The following elections were made: Caleb Hendee jr. and Hezekiah Barnes, Brigadier Generals; Joseph Beeman jr. Surveyor General; Alexander Hutchinson Auditor of Accounts; Thomas Leverett Auditor in the Treasury Department.

The following engrossed Bills were read: one "directing the Treasurer to pay Thomas Tolman Five hundred dollars," and one "in amendment of an act incorporating the Passumpsick Turnpike Company," and it was resolved to concur in the same.

Adjourned to 9 OClock tomorrow morning.

Oct. 29 Thursday 9 O'Clock A. M.

The Council met pursuant to adjournment.

The Bill "laying a tax of one [and] half cent per acre on the town of Westfield;" which was read and it was resolved to concur with the house in passing the same with this amendment: "instead of one and half cent" read "*three cents.*"

Received from the house an engrossed Bill, "laying a tax of three cents pr acre on the town of Huntsburg" [Franklin,] which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act to revive an act laying a tax of four cents pr acre on the town of Sheffield, granted Oct. 29th A. D. 1806," which was read and on motion it was resolved to concur with the house in passing the same.

Adj^{d} to 2 OClock P. M.

[2 OClock P. M.] Received from the house an engrossed Bill which related to the Northern Turnpike Company; which was read and on motion resolved to concur with the house in passing the same.

Received from the house an engrossed Bill, "authorizing the Selectmen of Georgia to deduct the certain sums therein mentioned from the list in said town for the year 1807," which was read and on motion it was resolved to "*non-concur*" with the house in passing the same; and that Mr. Niles inform the House of the reasons, which were, first, that the Listers did their duty in twofolding, and 2nd that the selectmen had no right to interfere in their proceedings.

The engrossed Bill, appointing a Committee to lay out a road from Middlebury Court house to the North line of Huntsburgh," was referred to Messrs Loomis and Chittenden.

Adjourned to 9 OClock A. M. tomorrow.

Friday Oct. 30th 1807, 9 OClock A. M.

Rec^{d} from the house an engrossed Bill "entitled an act laying a tax of two cents pr acre on the town of Worcester;" which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act directing the alteration of the County Roads leading from the South line of Wheelock," which was read and it was Resolved to concur with the house in passing the same into a law.

Received from the house an engrossed Bill entitled "an act laying a tax of two cents per acre on the town of Hardwicke," which was read and on motion it was resolved to concur with the house in passing the same into a law.

The Governor and Council proceeded to the representatives' room and met the Representatives in joint Committee for the purpose of Compleating the County Nominations and after accomplishing the same the Governor and Council returned to their Chamber and proceeded to business.

Received from the General Assembly an engrossed Bill entitled "an act to appoint a committee to lay out a road from the Court house in Middlebury in the County of Addison to the north line of Huntsburgh," which was read and on motion it was Resolved to non-concur with the house in passing the same and that Mr Butler acquaint the house of Assembly of the reasons—which were, 1st Because the road would terminate in an uninhabited country which from the swamps and morasses would never become settled. 2nd It did not appear that the towns as such had ever been consulted and it still was uncertain whether they would approve of the same; and 3d It appears to the Governor and Council that all the towns South of Onion River would be unwilling to pay the expenses of the Committee to lay out the road.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

Received from the General Assembly the following resolution, Viz: "In General Assembly Oct. 30th 1807, Resolved that a Committee from the Council be requested to join a Committee from the house called the Turnpike Committee [consisting] of Messrs Harrington, G. Stone and Lovett in consideration of all petitions on Turnpikes now before the said Committee. Extract from the Journals Attest M. Post Clerk." Which was read and it was resolved to concur with the house in the above resolution and that Mr. Shepardson be appointed to join said Committee, from Council.

Adjourned to 9 OClock in the forenoon to morrow morning.

Saturday Oct. 31st 1807, 9 OClock A. M.

The Council met pursuant to adjournment.

Received from the house the following communication, Viz: "In General Assembly Oct. 30th A. D. 1807, Resolved to concur in the amendments of the following Bills with the Governor and Council—Viz. in a Bill entitled "an act laying a tax of two cents pr acre in the town of Winhall"—also in a Bill entitled "an act laying a tax of three cents pr acre on the town of Richford"—and also in a Bill entitled "an act laying a tax of one and half cent pr acre on the town of Westfield." Extract from the Journals, Attest M. Post Clerk."

Received from the house the engrossed Bill, entitled "an act laying a tax of three cents per acre on the town of Braintree" (which had been sent down to the house with proposals of certain amendments and was returned from the house nonconcurred,) which was read and it was resolved to concur with the house in passing the same into a law with the following amendment in addition to the former amendment Viz. in the last line of said proposed amendment after the word "Kingston," insert the word "*Roxbury.*"

Received from the house the engrossed bill laying a tax of two cents pr acre on the town of Pittsfield, and it was resolved to nonconcur with the house in the same and that Mr. Keyes be appointed to inform the house of the reasons, which were: 1st Because the inhabitants of said town have been frequently taxed and the roads are in tolerable good repair—2nd Because there is now making a Turnpike road thro' said town which will destroy the necessity of immediate assistance in repairing roads.

The engrossed Bill, was received from the house of Assembly, entitled an act appointing a Committee to lay out a road from Lake Memphremagog to the South line of Elmore, which was read and it was re-

solved to nonconcur with the house in passing the same, and that Mr. Butler assign the reasons to the General Assembly, which were—1st Because it did not appear to the Governor and Council that the Inhabitants in those towns through which the road was to have been laid had ever been consulted on the subject—2nd Because it does not appear that the road would be of any public or private benefit (from the evidence adduced) or that with any propriety be laid.

Received from the house an engrossed Bill entitled an act "Suspending civil suits against Phinehas Slayton," which was read and on motion it was resolved to concur with the house in passing the same into a law with the following amendment; namely in the second Section, and second line, after the word "*Actions*" add the word "*hereafter;*" and at the end of the said second section insert these words: "*and all actions as aforesaid which are now depending against the said Phineas shall be continued for the term aforesaid without cost of either party*"—and also in the 4th section and 4th line from the bottom after the words "*given Bonds*" read, "*to the amount of the whole of his property,*" and after the word "*Vershire*" in the third line in said Section read "*in trust for his creditors*"—and that Mr Wright inform the house of the reasons—Which were that the act would operate more for the benefit of his Creditors and the town not be endangered with his becoming a Charge to the Inhabitants.

Adjourned to 2 Oclock in the afternoon.

2 OClock P. M.—The Council met pursuant to adjournment.

Received from the house an engrossed bill entitled an "act extending the time for recording certain advertisements and other proceedings in the town Clerks office in the Town of Philadelphia [Chittenden in part] which was read and it was resolved to concur with the house in passing the same with the following amendments: Viz. in the eighth line from the top strike out the words "*together with the whole of the proceedings required to be recorded in said office by the aforesaid act passed in the year* 1799;" and in the 11th line erase the words, "*and other proceedings of said Collector required in the aforesaid act,*" and insert the words, "*together with a list of all the unredeemed lands required by an act passed in the year* 1799."

The Bill entitled an "act appointing a committee to lay out a County road from the south end of Lake Memphremagog thro' the County of Orleans," which was nonconcurred by the Council was sent down to the house with the reasons and was again sent up to the Council by Mr Olds, member of the house, with the reasons of the house for so doing.

Adjourned to 10 OClock next Monday Morning.

Monday Nov. 2nd 1807, 10 Clock A. M.

The Council met pursuant to adjournment.

Recd from the General Assembly the following communication, Viz. "In General Assembly Oct 31st 1807, Resolved to concur with the Governor and Council in their proposed amendment to the bill entitled an act laying a tax of three cents pr acre on the town of Braintree; and the same has become a law. Extract from the Journals Attest Martin Post Clerk."

Received from the house an engrossed Bill entitled "an act in addition to an act appointing a Committee to lay out a County road through the County of Orleans," which was read and on motion resolved to nonconcur with the house in passing the same and that Mr Loomis be appointed to inform the house of the reasons.

The Bill entitled "an act appointing a Committee to lay out a County road from the south end of Lake Memphremagog to the south line of Elmore," which was read and on motion referred to Messrs Butler and Loomis for revision and amendment.

The Vote taken on the Bill "extending the time for recording certain advertisements and other proceedings in the town Clerk's Office in the town of Philadelphia," which [was] read and on motion was Resolved to be rescinded; and also was the Vote taken on the proposed amendment; and likewise the Bill, now restored to its original State, was ordered to lie on the table.

Received from the house an engrossed Bill, entitled "an act in addition to an act appointing a Committee to lay out a road," which was read and referred to Messrs Loomis and Shaw.

Received from the house an engrossed Bill entitled an act authorizing the judges of Rutland County Court to purchase a certain piece of land therein mentioned, and it was Resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act concerning loans in foreign Bills," which was read and it was ordered to lie on the table.

Received from the house an engrossed Bill entitled "an act Granting a Turnpike road by the name of the Chelsea Turnpike Company," which was read and ordered to lie on the Table.

Adjourned to two OClock afternoon.

2 OClock afternoon.—The Council met pursuant to adjournment.

The Engrossed Bill entitled "an act Granting a Turnpike road by the Name of the Chelsea Turnpike Company" was called up and on motion Referred to Gov. Brigham, Messrs Niles and Wright.

The engrossed Bill entitled "an act extending the time for recording certain advertisements and proceedings in the town Clerk's Office in the town of Philadelphia" was called up, read and ordered to lie on the Table.

Received from the house of Assembly the following communication Viz. "In General Assembly Nov. 2nd 1807, Resolved to concur with the Governor and Council in their amendment to an act entitled an act to suspend civil suits against Phinehas Slayton and the same has become a Law. Attest Martin Post Clerk."

The following resolution was received from the House, Viz. "In General Assembly November 2nd 1807, Resolved that the Treasurer of this State be directed to pay Samuel Jones the sum of thirty two dollars, being his account against this State for his apprehending &c. counterfeiters. Introduced by Mr. Hotchkiss, read and referred to the joint committee of Claims. Extract from the Journals—Attest M. Post Clerk," which was read and it was Resolved to concur with the house in the above reference.

Adjourned to 9 OClock to morrow Morning.

Woodstock November 3d 1807.

Received from the house an engrossed Bill entitled "an act laying a tax of Six cents pr acre on Harris Gore," which was read and it was Resolved to concur with the house in passing the same.

The Petition of Elisha Smith and others was received from the house recommitted and ordered the Committee thereon appointed to join Committee from the Council, which was read and it was Resolved to concur

with the house in the reference and that Mr Wright join said Committee from the Council.

Received from the house the engrossed Bill entitled "an act in addition to an act organizing the County of Grand Isle and fixing the time of holding courts &c." which was read and it was resolved to concur with the house in passing the same.

Received from the house the following engrossed Bill entitled "an act in addition to an act establishing a State Bank." which was read and the following amendments were proposed; Viz.—in the first Section after the words "*in the County of Rutland*" insert the words "*and Bennington in the County of Bennington*," and instead of the words "*four additional Branches*" insert "*five additional Branches*," instead of "*Eighteen directors*" insert "twenty one," and after the last word in Sec. 3d strike out the whole of the following proviso. Referred to Messrs Niles, Shaw & Gov. Brigham.

Recd from the house an engrossed bill entitled "an act providing for the Building a State prison," which was read and it was resolved to concur with the House in passing the Same.

Recd from the house the following bill relating to the proprietors of Essex, which was read and referred to Mr Wright.

The engrossed Bill referred to Mr Loomis, entitled "an act in addition to an act entitled an act appointing a Committee to lay out a road from Derby to Guildhall passed November 8th 1807" was called up and it was resolved to concur with the house in passing [the same with] the following amendments: Viz. in Section second in line the 5th from the word "*Compleated*," erase the remainder of the section—and from the word "pass" in the 4th line of Sec. 3d erase out these words, "*whether the taxes are now laid or hereafter to be laid.*"

Adjourned to 2 OClock in the Afternoon.

2 OClock P. M.—The Petition of General Jonathan Spafford was recd from the house with an order of recommitment and referred to the joint Committee of Suspension—which was read and it was Resolved to concur with the house in said reference.

Received from the house an engrossed Bill "laying a tax of Seven Mills pr acre on the County of Essex"—which was read and it was resolved to nonconcur with the house in passing the same and that Mr Loomis be appointed to inform the house of the reasons.

The Engrossed Bill entitled "an act in addition to an act establishing a State Bank," was called up and read and it was resolved to concur with the house in passing the same with the forementioned amendments.

Messrs Blodget and Saxe appeared from the house in Council and petitioned the Gov. & Council to propose an amendment to the bill relating to the State Bank and that St. Albans might be included.

Recd from the house an engrossed bill entitled "an act in addition to an act, and alteration thereof, entitled an act for the purpose of Regulating the suits respecting landed property and directing the mode of proceedings therein," which was read and it was Resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act directing the Treasurer of the County of Orange to pay the sum therein mentioned," which was read and it was Resolved to concur with the house in passing the Same.

Mr C. Rich appeared in Council and returned the bill entitled "an act in addition to an act establishing a State Bank," which had been sent down from Council with proposal of amendment with this order thereon: "In General Assembly Nov. 3d 1807, read and resolved to con-

cur with the Governor and Council in their first amendments to this Bill —Also resolved to nonconcur with the Governor and Council in the amendment striking out the providing Clause, and that Mr Rich return the Bill to the Governor and Council and assign the reasons for the same. Attest Martin Post Clerk." Resolved to rescind from the last proposed amendment to the last mentioned bill relating to "the State Bank," *which was* "to strike out the providing clause."

Adjourned to 9 O'Clock to Morrow Morning.

November 4th 1807, 9 O'Clock A. M.

The Council met pursuant to adjournment.

Received from the house an engrossed Bill entitled "an act laying a tax of one cent on the dollar on the General list," [state tax,] which was read and Resolved to concur with the house in passing the same.

The engrossed Bill entitled "an act directing the Treasurer of this State to pay Eliakim Spooner the sum therein mentioned" was read and resolved to concur with the house in passing the same with the following amendment Viz. in the Sec. 1st in third line from Bottom erase the word "*five*" and insert "*Seven*."

Voted to rescind the vote taken to rescind from the last proposal of amendment to the Bill relating to the State Bank.

The following resolution was introduced by Mr. Niles—Resolved, the General Assembly concurring herein, that the two houses meet in the representatives' Room for the purpose of conferring on the disagreeing votes of the two houses on the proposed amendment of "Striking out the proviso to the bill entitled an act in addition to an act establishing a State Bank." Ordered that the Secretary carry the Same to the house.

Received from the house an engrossed Bill entitled "an act in addition to an act directing the appointment of Turnpike inspectors and regulating their office and duty," which was read and it was resolved to concur with the house in passing the Same with this amendment, Viz. "by Striking out the whole of Section third"—and also Resolved, that Mr. Butler wait on the house and assign the reasons.

The Bill referred to Mr. Loomis entitled "an act in explanation of and amendment to an act entitled an act to enable the proprietors of the Town of Essex to divide their lands into severalty, passed Feby. 4th 1804," was read and it was passed and sent to the General Assembly for concurrence.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

The resolution sent down to the house appointing 3 OClock this afternoon to meet in joint committee for the purpose of conferring on disagreeing votes of both houses on a certain proposed amendment to the bill relating to the State Bank was returned by the house concurred.

The Bill entitled an "act laying a tax of two cents pr acre on the town of Pittsfield," which had been sent down to the house nonconcurred, was returned from the house for concurrence, and Mr. Eddy appeared in Council from the house to assign the reasons.

Received from the house an engrossed Bill entitled "an act in addition to an act entitled an act appointing State's Attornies and regulating their duty," which was read and it was Resolved to concur with the house in passing the same. The above resolution rescinded and the last mentioned Bill referred to Messrs Loomis & Gov. Brigham.

The Governor and Council, pursuant to the concurrent resolution of both houses, proceeded to the representatives' room and met the house

in joint Committee for the purpose of Conferring on the disagreeing votes of both houses on the proposed amendment to the bill entitled "an act in addition of an act establishing a State Bank"—and after conferring on the same the Governor and Council returned to their Chamber.[1]

Adjourned to 9 OClock to morrow Morning.

THURSDAY November 5th 9 OClock A. M.

The Council met pursuant to adjournment.

Received from the house an engrossed Bill entitled "an act relating to the records of the town of Mount-Holly," which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed bill entitled "an act to revive an act laying a tax of two cents per acre in the town of Westford," which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act in addition to and amendment of an act entitled an act regulating and governing the Militia of this State," which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act constituting and appointing a Company of Cadets in the Town of Dummerston," which was read and on motion it was Resolved to non-concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act constituting a company af Artillery in the town of Fairfield," which was read and it was resolved to non-concur with the house in passing the Same.

Received from the house an engrossed Bill entitled "an act granting relief to Ebenezer Markham," which was read and it was resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act laying a tax of [one] cent per acre on the State of Vermont," [to build a state prison,] which was read and on motion it was Referred to Messrs Loomis and Niles.

Received from the House the following communication—"In General Assembly November 5th 1807. Resolved to concur with the Governor and Council in their proposed amendment to the bill entitled "an act in addition to an act appointing a committee to lay out a County road from Derby to Guildhall" and the Bill has become a Law. Extract from the Journals Attest M. Post Clerk."

Adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment. The Governor and Council met the house in joint Committee in the Representatives' room pursuant to the concurrent resolution of Both Houses, for the purpose of Selecting five Commissioners to Superintend the building of the State Prison; and after compleating the same the Governor and Council returned to their Chamber.[2]

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[1] The joint committee concurred in the amendment of the Council. The house had nonconcurred by a majority of eleven, which majority was overruled in joint committee by the votes of the Lieut. Governor and twelve Councillors.

[2] The Secretary of the Council failed to enter the joint resolution on the record. Ezra Butler, Samuel Shaw, John Cameron, Josiah Wright, and Elihu Luce were elected commissioners.

Received from the House an engrossed Bill entitled "an act appointing a Committee for certain purposes therein mentioned," which was read and it was Resolved to concur with the house in passing the Same.

Received from the House an engrossed Bill entitled "an act appointing a Committee to lay out a Road from Stanley's Mills in Greensboro' to Montpelier," was read and on motion it was resolved to concur with the House in passing the Same.

On motion, it was resolved to rescind from the last mentioned concurrence and that the Bill on which it was taken should be referred to Mr. Loomis.

Received from the House an engrossed Bill entitled "an act directing the treasurer of this State to credit the town of Ryegate the sum therein mentioned," which was read and it was Resolved to concur with the house in passing the same.

Received from the House an engrossed Bill entitled "an act regulating the service of Writs," which was read and ordered to lie on the Table.

Received from the house an engrossed Bill entitled "an act laying a tax of four cents pr. acre on the town of Newbury," which was read and it was Resolved to concur with the house in passing the same.

The Bill entitled "an act regulating the Service of Writs" was called up and it was resolved to concur with the house in passing the Same with the following amendment. Viz. "Sec. 3d and it is hereby further enacted, that the Secretary of State be and is hereby directed to publish this Act in all the Newspapers printed in this State."

The Bill, establishing a Turnpike Corporation by the Name of the Chelsea Turnpike Company," which had been referred to Mr. Loomis, was called up, read and it was Resolved to concur with the house in passing the same with the following amendments—Viz. in Sec. 4th, 11th Line from the top after the word "*wide*" insert these words: "*and assess such damages as may accrue to any person or persons thro' whose lands said road may be laid, which damages shall be paid by said Corporation,*" and at the end of said 4th Sec. add the following proviso—"*Provided nevertheless that if any person or persons shall be dissatisfied with such recompense or sums so assessed, he, She or they, may by complaint apply to any Justice of the peace within the Same County, & the same process may be had and in the same way as is provided by Law when persons are aggrieved when Selectmen in the several towns in this State lay out Highways in their respective towns.*" And further add to the end of the Bill one new Section. Viz. "*Sec 15th. And it is hereby further enacted that at the expiration of fifty years from and after the completion of said road the same shall revert to the State.*"

Adjourned to 9 OClock to Morrow Morning.

FRIDAY Novemr 6th 1807, 9 OClock A. M.

The Council met pursuant to adjournment.

Received from the House an engrossed Bill entitled "an act laying a tax of Seven Mills on the County of Essex" was again received from the house, which had been sent down non-concurred by the Council to the House; it was read and on motion it was Resolved to concur with the house in passing the same.

Received from the house an engrossed Bill entitled "an act in alteration of an act entitled an act appointing a Committee to lay out a road from Danville Court-house to the Court house in Guildhall in the County of Essex," which was read and referred to Mr Loomis.

Received from the house an engrossed Bill entitled "an act relating to the appointing of Turnpike inspectors and regulating their office and duty," which had been sent down to the house with proposals of amendment, was now returned to the Governor and Council from the House with their non-concurrence with said proposals of amendment, and Mr Hutchinson appeared in Council to assign the reasons; and the Governor and Council rescinded from their proposed amendments and resolved to concur with the house in passing the same.

The Bill entitled "an act directing the Treasurer to pay Eliakim Spooner the sum therein mentioned," which had been sent down to the house with proposals of amendment, was now returned from the House and the proposed amendments were not concurred with and Mr Chamberlin appeared in Council and assigned the reasons for the nonconcurrence of the House—And it was Resolved to rescind from the said proposals of amendment and to concur with the house in passing the same.

The engrossed Bill relating to "loans in foreign Bills" was now called up and it was resolved to concur with the house in passing the same.

Received from the House an engrossed Bill entitled "an act appointing a committee to lay out a road from Stanly's Mills in Greensboro' to Montpelier," which was read and it was resolved to concur with the House in passing the same with the following amendments—Viz.—in Sec. 2nd 2nd page 2nd Line from the top after the word "*reasonable*" insert: "and such towns respectively are hereby made responsible for such damages occasioned by laying out said road as aforesaid"—"and if any person owning lands thro' which said road may be laid, shall think himself aggrieved by the appraisal of such damages by said Committee—or in case said Committee shall adjudge that no damages have accrued to such person, in either case, the person so aggrieved may appeal from such appraisal to the next County Court in the County where the lands lie, and said Court are hereby authorized to hear, try and determine said appeal and Issue execution accordingly—And if it shall be adjudged by said Court that said Committee have appraised sufficient damages, in that Case said Court shall award costs against the person so applying and issue execution thereon."

The Bill entitled "an act appointing a Committee to lay out a County Road from the South end of Lake Memphramagog to the south line of the town of Elmore" was brought forward by Mr. Loomis to whom it had been referred, and it was resolved to concur with the House in passing the same with the following amendments—Viz.—In 4th Sec. 3d Line after the word "*paid*" erase the remainder of the Section, and insert the following words, Viz.—"By the several towns through which said road shall pass out of a Road tax which shall have been granted on any of those towns or out of the town treasury of such towns as the Selectmen in each town shall direct." Add also "*Sec* 5th.' "Sec. 5th And it is hereby further enacted, that said Committee shall assess to any land owner or owners through whose lands said road shall be laid as aforesaid his, her or their just damages and make order on the Selectmen of each town for the payment thereof. Provided nevertheless, that when there is allowance land adjoining said land owner and where the old road adjoining him shall have become unnecessary in the opinion of the Selectmen of the Town, that then the Selectmen shall consider such allowance land or old Road as belonging to such land owners to be assessed by Such Committee at its just value to compensate in whole or in part for such road laid out as aforesaid, and if such land owner shall be dissatisfied with the sum or sums so assessed by said Committee, or in case said Committee shall have adjudged no damages have accrued to

such person, in either case, the person so aggrieved may appeal from such appraisal to the next County Court in the County where such land may lie, and Said Court are hereby authorized to hear, try and determine finally said appeal and Issue Execution accordingly; and if it shall be adjudged by said Court that said Committee have appraised sufficient damages, in that case the said Court shall award costs against the person so appealing and issue execution thereon." And also Resolved that Mr Loomis wait on the house and assign the Reasons.

Adjourned to 2 OClock Afternoon.

2 OClock P. M.—The Council met pursuant to adjournment.

Received from the House the engrossed Bill entitled "an act constituting a Company of Cadets in the town of Dummerston," which had been sent down to the house nonconcurred and now returned to the Governor and Council for concurrence and Mr Duncan appeared in Council and assigned the reasons of the House.[1]

Received from the House an engrossed Bill entitled "an act freeing the Body of Gen. Jonathan Spafford from arrest for the term of three Years," which was read and it was resolved to concur with the house in passing the same.

Received from the House the following communication—"In General Assembly Nov. 6th 1807, Resolved to concur with the Governor and Council in their proposed amendment to the Bill entitled "an act regulating the service of Writs." And the same has become a Law. Attest Martin Post Clerk."

Received a resolution from the House appointing Committee from the House to join Committee from the Council for the purpose of Distributing the Election Sermons and the Proclamations for a public Thanksgiving; which was read and it was Resolved to concur with the House in the same and that Mr. Wright join from the Council with Mr. Shepardson.

The address to the President of the United States was received from the House for the concurrence of the Governor and Council, which was read and it was resolved to concur with the House in passing the same.[2]

The resolutions of the House in relation to the amendment of the Constitution of the United States were received from the House, and it was Resolved to concur with the house in the same with the following amendments Viz. in the Preamble from the word "functions" in the 6th line from the top, erase the whole of the paragraph and insert these words Viz. "for any other cause than such as may remove them upon impeachment," and in 7th line from the Bottom after the word "*cases*" erase the words "*will continually*" and insert the word "*may*," and that Mr. Niles inform the house of the reasons.[3]

Received from the House an engrossed Bill entitled "an act relating to the division of the Lands of Reading," which was read and referred to Messrs Niles, Chittenden and Gov. Brigham.

Adjourned to 9 O'Clock to morrow morning.

Saturday Nover. 7th 9 OClock A. M.

Rec[d] from the House an engrossed Bill relating to the Division of Lands in the town of Navy [Charleston,] which was read and referred to Mr. Niles & Gov. Brigham.

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[1] Probably the bill was laid on the table, as it came up subsequently.

[2] See *Appendix* F.

[3] See *Appendix* B.

Mr. Shaw asked leave of Absence and was excused the remainder of the Session.

Rec^{d} from the House an engrossed bill entitled an "act constituting a Company of Artillery in the town of Fairfax," which was read and it was resolved to concur with the House in passing the Same with the following amendment Viz—at the end of the Bill add "and the said Company when organized as aforesaid may from time to time as occasion may require, enlist from exempts only to fill up and keep the said Company complete."—And Gov. Brigham was appointed to assign the reasons to the House.

The Bill relating to the Company of "Cadets in town of Dummerston" was again rec^{d} from the House and it was Resolved to concur with the House in passing the same with the following amendments, Namely, after the word "*first*" in the Seventh line in the first Section insert the word "Volunteers," and erase the following words immediately following Viz. "*Republican*"—"*of Cadets*," "*and annexed to.*" And in the said first Section in the last line erase the word "*independant*" and insert the word "*Volunteers.*" And after the word "*aforesaid*" in the thirteenth line of the third Section erase to the word "*and*" in the third line from the Bottom. Add also to the last Section of said Bill the following proviso —Viz. "Provided nevertheless if any part of the said Seventh company shall not incline to enlist into said Volunteer Company created by this act, they may be enacted [formed] into Such other Company as the Field officers of said first Regiment shall direct." Also after the word "*Soldiers*" in the third Section & 3^{d} Line insert to the "*Number of forty.*" And in Section third Eighth line, erase the words "*of Cadets,*" and in the Seventh line of said Section after [erase] the words "*of Cadets*" and insert the word "*Volunteer.*"

Rec^{d} from the House an engrossed Bill entitled "an act in alteration of an act entitled an act appointing a Committee to lay out a County Road from Court House in Danville [in the County of Caledonia to Guildhall] in the County of Essex," which was read and it was Resolved to concur with the House in passing the same, with the following amendments. Viz. In Section Second, 5th line, after the word "*same*" insert the following—"And assess such damages as may accrue to any person thro' whose improved lands the road may be laid which damages shall be paid by such town—and said Committee are authorized to set over to such person any allowance land or old road adjoining his Lands which shall be rendered useless at its true value in whole or in part for such damages as said Committee shall judge just and reasonable. Provided nevertheless that if any person shall feel himself aggrieved by such assessment or [in] case no damages are adjudged, in either case the person so aggrieved may apply to some justice of the peace within the same County and the same proceedings in all things shall be had as is provided by law in cases of persons being aggrieved when selectmen lay out or alter Highways in their respective towns."

Rec^{d} from the House the Bill "incorporating certain persons by the name of the Middlebury Manufacturing Company," which was read and it was resolved to concur with the house in passing the same.

Mr. Butler on leave introduced a Bill "relating to the Winooskie Turnpike Company;" which was read and it was ordered to Lie on the table.

Adjourned 'till 2 P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

The last mentioned Bill relating to the Winooskie Turnpike Company was called up, read, ordered to be ingrossed and sent to the General Assembly for their concurrence.

The Bill entitled "an act in addition to and alteration of an act entitled an act constituting the Supreme Court and County Courts and defining their Powers and regulating Judicial proceedings," was read and it was Resolved to concur with the House in passing the Same.

Rec^{d} from the House an engrossed Bill entitled "an act in addition to an act appointing State's Attornies;" which was read and it was resolved to concur with the House in passing the same.

Rec^{d} from the House the following Resolution Viz.—"In General Assembly Nov. 7th 1807. Resolved, the Governor and Council concurring herein, that Both Houses meet in the representatives' room, [on Tuesday next at ten o'clock in the forenoon] for the purpose of adjourning the Legislature without day. Attest M. Post Clerk." Which was read and ordered to Lie.

Rec^{d} from the House an ingrossed Bill entitled "an act appointing Commissioners to set off the public Lands in Coventry and Coventry Gore," which was read and it was resolved to concur with the House in passing the Same.

On leave being obtained, Gov. Brigham introduced a bill entitled "an act in addition to an act laying a tax of two cents pr acre on the town of Sherburne," which was read and passed, ordered to be engrossed and sent to the General Assembly for concurrence.

Rec^{d} from the House an engrossed Bill entitled an act appointing a Committee to lay out a road therein mentioned, which was read and it was resolved to concur with the house in passing the Same.

Rec^{d} from the House an engrossed Bill entitled "an act directing a Suit to be brought for the purpose of ascertaining the Validity of the Charter of Wheelock;" which was read and it was resolved to concur with the House in passing the Same.

Adj^{d} to 9 OClock Monday Morning.

Monday, Nov. 9th 1807, 9 OClock A. M.

The Council Met pursuant to adjournment.

Mr Robinson [appeared] in the Council from the House, and returned the Bill relating to the Winooskie Turnpike Company with proposals of amendment, which were read and it was resolved to concur with the House in passing [adopting] the same.

The following Resolution was introduced on leave by Mr. Wheelock: Viz. Resolved that his excellency the Governor be and he hereby is requested to appoint the Second Wednesday of April Next to be observed as a day of general and public fasting and prayer thro' this State. [Read and adopted.]

Rec^{d} from the House the following communication, Viz. "In Gen. Assembly Nov. 7th 1807, Resolved to concur with the Gov. and Council in their proposed amendments to the following Bills Viz. A Bill entitled "an act appointing a Company of Artillery in the town of Fairfax"—A Bill entitled "an act appointing a committee to lay out a road from the south east end of Lake Memphramagog thro' the County of Orleans to the South line of Elmore"—A Bill entitled "an act appointing a Committee to lay out a road from Stanley's Mills in Greensboro to Mont-

pelier"—A Bill "appointing a Corporation by the name of the Chelsea Corporation Turnpike"—and also A bill entitled "an act appointing a Company of Cadets in the town of Dummerston." Extracts from the Journals, Attest M. Post Clerk."

Benjamin Swan Esquire, Treasurer of the State elect, appeared in Council and tendered a Bond for the penal sum declared by law, conditioned that the said Benjamin Swan should faithfully execute the duties of the office of Treasurer of the State of Vermont for the year ensuing—Signed by himself as principal, Arad Hunt, Charles Marsh & Jesse Williams as Sureties; which was read by the Secretary and it was resolved to accept of the same and immediately the Oaths of Office were administered to him by Governor Brigham.

Rec^{d} from the House an engrossed bill entitled "an act in addition to an act establishing a State Bank," which was read and it was Resol^{d} to concur with the house in passing the same.

A Resolution passed the Council appointing two OClock this afternoon for Locating the new branches of the State Bank and also for choosing the Directors for said Bank for the Year ensuing [in joint committee of the two houses]—and Ordered that the Secretary carry the same to the House and request a concurrence.

The Bill relating to the Division of Lands of Navy [Charleston] was called up and it was Resolved to concur with the house in passing the same with the following amendments, Viz.—after the word "*rights*" in the preamble in the third line from the bottom erase the whole of the following part of the Bill and insert the following Section, Viz.—"Sec. 1$^{st.}$ It is hereby enacted by the General Assembly of the State of Vermont, that the proprietors of said Navy are fully authorized and empowered, at any future meeting legally warned and holden for that purpose agreeably to the Statute Laws of this State regulating proprietors' meetings, to ratify and confirm the Votes, Surveys and draft and other proceedings of their meeting holden at Providence in Rhode Island on the Seventh day of August in the Year of our Lord Christ one thousand Seven hundred and Ninety four; and that the Votes, Draft and other proceedings so made at Providence aforesaid, when ratifyed agreeably to the tenor of this Act, shall be considered as good and Valid to all intents and purposes in Law as if the same proceedings had been done agreeably to the Statute laws of this State enabling proprietors to divide their Lands into Severalty."

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

Rec^{d} from the House the following communication, Viz.—"In Gen^{l} Assem^{y}, Nov. 9th 1807. Resolved to concur with the Governor and Council in their proposed amendment to the resolution proposing an amendment to the Constitution of the United States.[1] Extract from the Journals, Attest M. Post, Clerk."

The Governor and Council agreeable to the concurrent Resolution of both houses met the House in joint Committee in the Representatives' Room for the purpose of designating the places for the additional branches of the Vermont State Bank and also choosing the Directors of said Bank for the Year ensuing; And after having compleated the same the Governor and Council returned to their Chamber.[2]

Adjourned to 6 OClock P. M.

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[1]On the removal of judges of the United States Supreme Court for other than impeachable offenses. See *Appendix* B.

[2]See *Appendix* D.

6 OClock P. M.—The Council Met pursuant to adjournment.

The Bill laying a tax of one cent on each acre of Land in the State of Vermont for the purpose of defraying the expenses of building the State prison, was read and it was Resolved to concur with the house in passing the same with the following amendments, Viz. In Sec. 7th, line 7th after the words "*per annum*," insert "*in hard money, or bills of the Vermont* [*State*] *Bank*," and in the 11th line of said Section insert the words "*monies*" "*or bills of the Vermont State Bank.*"

Received from the house the bill entitled an act directing the Treasurer of the State to pay the sum therein mentioned, which was read and it was Resolved to concur with the house in passing the same.

Received from the House the bill entitled an act directing the treasurer of the State to pay the sums therein mentioned to Alexander Hutchinson, which was read and it was Resolved to concur with the House in passing the same.

Received from the House the following communication—"In General Assembly Nov. 9th 1807, Resolved to concur with the Governor and Council in their amendments to the bill entitled an act relating to the division of lands in Navy [Charleston;] and one relating to the laying out a County road from Danville Court House to the Court House in Guildhall in the County of Essex. Extract from the Journals, Attest M. Post Clerk."

The Bill entitled an act reviving a land tax on Goshen Gores, Harris' Gore and Hopkinville [Kirby,] and Bradley vale [part of Burke] in the County of Caledonia referred to Gov. Brigham and Mr. Loomis.

Recd from the House a bill entitled "an act for the relief of Benjamin Stoddart" [Stoddard,] which was read and it was Resolved to concur with the house in [passing] the same.

Recd from the House the bill entitled "an act in amendment of an act entitled an act relating to the proceedings against the trustees of concealed and absconding Debtors," which was read and it was Resolved to concur with the House in passing the same.

Recd from the House a bill entitled "an act in addition to an act entitled an act to authorize the Supreme Court to empower Guardians to sell the real estate of Wards;" which was read and referred to Messrs. Niles & Loomis.

Recd from the House the bill entitled "an act in addition to an act entitled an act constituting the Supreme Court of Judicature," which was read in Council and it was Resolved to concur with the House in passing the same.

Recd from the House the bill entitled "an act annexing the Counties of Orleans and Essex to the County of Caledonia for certain purposes," which was read and it was Resolved to concur with the House in passing the same.

The Bill relating to the organization of bands of Military Musicians in the several regiments of Militia in this State, was read and referred to Messrs Wright & Shepardson.

Recd from the House the bill entitled an act laying a tax of two cents pr acre in the town of Hancock, which was read and it was resolved to concur with the House in passing the same.

Recd from the House the bill entitled an act authorizing the administrators of David Wing Jr. to deed land &c. which was read and it was referred to Messrs Loomis & Butler.

Resolved to concur with the House in passing the bill entitled "an act extending the time for recording certain advertisements in the town Clerk's office in the town of Philadelphia" [part of Chittenden.]

Recd from the House the Bill entitled "an act in addition to an act

establishing a State Bank," which was read and Ordered to Lie on the table.

Rec[d] from the House the Bill entitled an act granting to Daniel Merriam, Charles Landon & Sylvester Phelps the sum of $15.63, which was read and it was resolved to concur with the House in passing the same.

Adj[d] to 8 OClock A. M. tomorrow.[1]

TUESDAY, Nov 10[th] 1807, 8 OClock A. M.

The resolution [of the House] to adjourn on "Tuesday the 10[th] of Nove" was concurred by amending the same by inserting "Wednesday" instead of "*tuesday*" and Gov. Brigham appointed to assign the reasons to the House.

The Bill entitled an act in addition to an act entitled an act to authorize the Supreme Court of this State to empower Guardians to sell the real estate of their wards, was read and it was Resolved to concur with the House in passing the same.

The Bill entitled an act authorizing the forming of bands of Military Musicians &c. was called up, read again and it was Resolved to concur with the house in passing the same.

The Bill entitled "an act in addition to an act establishing a State Bank," was read and it was resolved to concur with the House in passing the same with the following amendments—Viz. in Sec. 2[nd] line 6[th] from the top after the word "*President*" erase the words "*two hundred and fifty*" and insert "*three hundred,*" and that Gov. Brigham wait on the House and assign the reasons.

The Bill entitled an act to revive a land tax on Goshen Gores, Harris Gore, Hopkinville & Bradley Vale in the County of Caledonia was read and it was resolved to concur with the House in passing the same, with the following amendments, Viz.—Add the following at the end of Sec. 1[st], "*so far as it relates to the liability of said Sheriff for said tax.* Sec. 2[d]. *It is hereby further enacted* that in all cases when said tax has been paid to said Sheriff on any Lands which may hereafter be advertized for sale agreeable to this act, if the owner of such lands, by himself or his agent, shall produce to said collector proper vouchers shewing payment of said

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[1] From the *Assembly Journal*, Nov. 9 1807 :

Mr. [Charles] Rich, on motion and leave, introduced the following resolution:

In General Assembly, Nov. 9[th,] 1807.

Whereas it becomes the interest of the good people of this and the United States, as far as possible to encourage domestic manufactures, and more especially when the peace of this country is threatened by the nation with whom we have the greatest commercial intercourse; and whereas the most ready method of introducing such manufactures will be to take proper measures to make them fashionable,—Therefore,

Resolved, the Governor and Council concurring herein, that it be recommended to the Governor, members of the Council, and House of Representatives, to appear at the next session of the legislature, clothed in the manufactures of this or some other of the United States.

The foregoing resolution being read was adopted, and sent to the Governor and Council for concurrence.

The journal of the House shows that this resolution was returned by the Council concurred in, Nov. 10, but the Secretary of the Governor and Council failed to enter in his record any action on the subject.

tax in whole or in part to said Sheriff previous to his absconding, of any right or lot of land in said County so advertized as aforesaid, the collector shall credit the same to such Land owner on his rate bill free from expence, and such land shall not be sold, and said Collector shall execute to such Land owner or his agent a receipt in full for such tax so shewn to have been paid as aforesaid, and in all cases where vouchers shall [be produced] shewing payment aforesaid, the same shall be credited to said Collector by the treasurer of said County."

Adj[d] to 2 OClock P. M.

2 OClock P. M.—Mr Niles introduced a bill entitled an act incorporating the Bradford Manufacturing Company, which was read, passed and sent to the General Assembly for concurrence.

The Bill entitled "an act laying a tax of one cent on each acre of Land in the State of Vermont for the purpose of building a State prison," which had been returned with certain proposals of amendment [to the house,] was now again sent up from the house to Council with information that the house had concurred with the two first proposed amendments and had non-concurred with the last; and Mr Olin appeared in Council and assigned the reasons of the house. The above bill on motion was referred to Gov. Brigham & Mr. Wright.

The Bill entitled "an act providing for the inspection of Lumber" was read & referred to Mr. Loomis & Gov. Brigham.

The Bill entitled "an act in addition to an act establishing a *State Bank*," lately sent down to the house with proposals of amendment, was now returned non-concurred, and on motion Resolved that the Council rescind their vote for amendments aforesaid and that they concur with the house in passing the original bill.

Rec[d] from the House the Bill entitled "an act in addition to an act establishing a Grammar School in Norwich in the County of Windsor," which was read and it was Resolved to concur with the house in passing the same.

Rec[d] from the house the Bill entitled " an act establishing a Grammar School in Royalton," which was read and it was Resolved to concur with the House in passing the same.

Rec[d] Information that the House had concurred in the proposed amendment to the resolution for adjourning the house without day—and also in the bill entitled an act laying a tax of two cents pr acre on the town of Sherburne.

Rec[d] from the House the bill entitled an act in addition to an act entitled an act regulating fees and to repeal certain acts therein mentioned, which was read and it was Resolved to concur with the house in passing the same.

Rec[d] from the House the Bill entitled " an act in addition to and alteration of an act entitled an act regulating fees, and also to repeal a certain act therein mentioned," which was read and it was resolved to concur with the house in passing the same.

Received from the House the bill entitled " an act to punish undue combinations, Speculations and undue practices among Attornies and pettifoggers," which was read and it was resolved to concur with the House in passing the same.

Adjourned to 9 OClock to morrow A. M.

Nov. 11[th], 9 OClock A. M.

The Gov. & Council met Pursuant to adjournment.

The following resolution was introduced into Council—" Resolved, the General Assembly concurring herein, that both Houses meet in the

representatives' room at 10 OClock A. M. this day for the purpose of appointing a High Bailiff for the County of Windham in the room of Joseph Ellis resigned"—[which was read and adopted.]

The bill entitled an act laying a tax of one cent on each acre of land in the State of Vermont was called up and again read and it was Resolved to concur with the House in passing the same with sundry amendments.

The following engrossed bills were received from the House, sent up for revision and concurrence or proposals of amendment; Viz.—one entitled "an act relating to the division of lands in the town of Reading;" one entitled "an act directing the treasurer to pay the sum therein mentioned"—which were read and it was resolved to concur with the house in passing the same.

Received from the House this resolution: "Resolved that the Judges of the Supreme Court be appointed to inspect the several branches of the Vermont State Bank" &c. which was read and it was resolved to concur with the House in passing the same.

The following resolution was introduced into Council—Viz. "Resolved, the General Assembly concurring Herein, that all the unfinished business be referred to the next Session of the Legislature;" which passed and was sent down to the House for concurrence.

The Secretary read the debenture of the Gov. & Council, and [it] was agreed to as follows:

	Miles Travel.	Amount of Travel.	Days Attendance.	Amount of Attendance.	Whole Amount.
His Honor Paul Brigham Lt. Gov.	17	2 04	35	140 00	142 04
Hon[l] Jonas Galusha	74	8 88	8	12 00	20 88
"..Noah Chittenden	80	9 60	35	52 50	62 10
"..Elias Keyes	23	2 76	27	40 50	43 26
"..Beriah Loomis	26	3 12	35	52 50	55 62
"..Nathaniel Niles	36	4 32	35	52 50	56 82
"..Asaph Fletcher	20	2 40	35	52 50	54 90
"..Josiah Wright	100	12 00	35	52 50	64 50
"..Ebenezer Wheelock	62	7 44	35	52 50	59 94
"..Samuel Shepardson	74	10 08	35	52 50	62 58
"..Eliakim Spooner	44	5 28	35	52 50	57 78
"..Ezra Butler	60	7 20	33	49 50	56 70
"..Samuel Shaw			29	43 50	43 50
"..William Page Jr. (Deb. as Secy.)	34	4 08	7	17 50	21 58
"..R. C. Mallary Secy	44	5 28	29	72 50	77 78
"..W. Strong Sheriff			35	52 50	52 50
		84 48		848 00	932 48

Rec[d] from the House the resolution of Council for referring the unfinished business to the next Session of the Legislature with the following order of the House upon the same—"In General Assembly Nov. 11[th] 1807, Resolved to concur with the Governor and Council in the above resolution with the following amendment, Viz. in 3[d] line [insert] "excepting the act in addition to an act relating to road taxes and the bill making appropriations for the support of government." Attest M. Post Clerk." Which was read and it was resolved to concur with the House in their proposed amendment.

Rec[d] the concurrences of the House in these bills, Viz.—one "incorporating Bradford Manufactoring Company"—one "to revive a Land Tax

on Goshen Gores, Harris Gore, Hopkinville & Bradly Vale in the County of Caledonia"—one "laying a tax of two cents on the acre in the town of Sherburne"—one "in the resolution for adjourning the Legislature without day" and one "to the bill entitled an act laying a tax of one cent on each acre of land in the State of Vermont."

An engrossed Bill was sent up from the House for concurrence or proposals of amendment by the Council entitled "an act in addition to an act regulating the disposition of monies raised by tax on lands in towns for the purpose of making and repairing roads and building bridges," was read and it was resolved to concur with the House in passing the same.

The resolution [bill] for making "appropriations for the support of Government the present session" and for laying over the unfinished business (being returned from the house with proposals of amendments) were read and it was Resolved to concur with the House in passing the same.

Pursuant to the concurrent resolution of both Houses, the Governor and Council proceeded to the Representatives' room and in presence of both branches of the Legislature the Reverend Elder Green addressed the throne of Grace in prayer, and William Strong Esquire Sheriff of Windsor County adjourned the Legislature without Day.

A true Journal. Attest, ROLLIN C. MALLARY *Secretary.*

THIRTY-SECOND COUNCIL.

OCTOBER 1808 TO OCTOBER 1809.

ISAAC TICHENOR, Bennington, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

SAMUEL FLETCHER, Townshend,	ZERAH WILLOUGHBY, Fletcher,
SOLOMON MILLER, Williston,	ASA LYON, South Hero,
NOAH CHITTENDEN, Jericho,	REUBEN HATCH, Tunbridge,[1]
ELIAS KEYES, Stockbridge,	JED'H P. BUCKINGHAM, Thetford,
CHAUNCEY LANGDON, Castleton,	DANIEL DANA, Guildhall,
DANIEL CHIPMAN, Middlebury,	JOHN ELLSWORTH, Greensboro'.

ROLLIN C. MALLARY, Castleton, *Secretary* until Oct. 14.
WILLIAM PAGE, Jr., *Secretary* from Oct. 14.
JOSEPH ARMINGTON, *Sheriff.*

BIOGRAPHICAL NOTICES.

Owing to considerable dissatisfaction as to the expenditure for the State Prison, and more as to the embargo and military orders connected therewith, the election of 1808 resulted in a political revolution, Gov. Tichenor being restored to office, and a Council elected of whose members two thirds sat for the first time in that body.

CHAUNCEY LANGDON, graduated at Yale College in 1787, must have come shortly afterwards to Castleton, Vermont, as he was Register of Probate in 1792, and practicing in Rutland County Court in 1794. He was Register for five years, and Judge of Probate in 1798 and 1799. He represented Castleton in the General Assembly in 1813 and '14, 1817, 1819, 1820, and 1822; and was Councillor in 1808, and 1823 until his death in 1830. He was one of the Federal members of Congress, 1815 to March 1817. His character and talents entitled him to high respect.

[1] The *Washingtonian* placed Mr. Hatch in Norwich in 1810.

and were it not that his zeal as a partizan kept him for several years with the minority of the freemen of his town, a majority of whom followed such Jeffersonian leaders as Isaac Clark and Samuel Shaw, he would have been much more employed in public service. The editor of this volume remembers him as one of the most venerable and dignified among the Councillors of 1829. He was first Vice President of the Vt. Bible Society at the time of his death.—Lanman's *Dictionary of Congress;* and Deming's *Catalogue.*

Daniel Chipman, LL.D., was born in Salisbury, Conn., Oct. 22 1765, and graduated at Dartmouth College in 1788. He removed with his father to Tinmouth in 1775, and labored on a farm until 1783. Pursuing a classical course for five years, he studied law with his brother Judge Nathaniel Chipman, and on his admission to the bar commenced practice at Rutland. In 1794 he removed to Middlebury, and there he spent the best part of his professional life, becoming distinguished in his profession and in literature. He was admitted to the American Academy in 1812, and was law professor in Middlebury College from 1806 to 1816, being succeeded in that office by Judge Nathaniel Chipman. His legislative service commenced in 1798, as Representative of Middlebury in the General Assembly, which office he held for eleven years, ending in the year 1821–2, and in 1813 and '14 he was Speaker of the House. He was elected Representative in 1808, and also Councillor, and entered the Council on the second day of the session, and served one year only. He was one of the three Federal Councillors of that year who served in Congress 1815 to March 1817. He was State's Attorney for Addison County 1797 until 1817, and Delegate in Constitutional Conventions as follows: for Rutland in 1793, Middlebury in 1814, and Ripton in 1836, '43, and '50. He took an active part in the Convention of 1843, and though he was in his seventy-eighth year, the editor of this volume can attest that he was prompt, vigorous, and eloquent in debate, and genial and communicative in conversation. It was the fortune of the editor to hear John Quincy Adams in debate when he was in his seventy-third year and fully maintaining his title to the name of the "old man eloquent." In person and intellectual qualities, Mr. Chipman strongly resembled Mr. Adams, and with equal advantages in culture and experience in lofty statesmanship, Mr. Chipman certainly would have won high repute in the nation. "He was the youngest of seven brothers, all highly distinguished men." His published writings are an Essay on the Law of Contracts, 1822; Reports of the Supreme Court of Vermont, 1789–1825, published in 1835; Life of Nathaniel Chipman, 1846; Memoir of Seth Warner, 1848; and Memoir of Thomas Chittenden, 1849. He died April 23 1850, from disease incurred in attending the Constitutional Convention of that year.—Drake's *Dictionary of American Biography;* Deming's *Catalogue;* and *Vermont Watchman and State Journal*, Jan. 1843, and May 1850.

ZERAH WILLOUGHBY represented Fletcher in the General Assembly in 1818, '20, '22, and '23, and in the Constitutional Convention of 1822. He was Assistant Judge of Franklin County 1801 until 1806, 1813, '14, 1818 until 1821, 1822 and '3, and Chief Judge 1824 and '5. He was Councillor in 1808 and 1814. He was a farmer and merchant.—*Vt. Historical Magazine;* and Deming's *Catalogue.*

Rev. ASA LYON was born in Pomfret, Conn., Dec. 31 1763, graduated at Dartmouth College in 1790, and pastor of the Congregational church at Sunderland, Mass., from Oct. 4 1792 to Sept. 23 1793. He organized the Congregational church in South Hero,[1] in conjunction with Grand Isle, in 1795, and was its first minister, though he never was installed but was elected by the members—DRAKE says, from Dec. 21 1802 to March 15 1840. After a few years, a difficulty arose as to his support, when he declared that his pastoral services should be gratuitous. Beginning with a valuable farm and living in the most frugal fashion, he became the wealthiest man on the islands, without the aid of a salary. He represented South Hero in the General Assembly 1799 until 1803, 1804 until 1807, and 1808 for a few days till he entered the Council, in which he served one year. He represented Grand Isle 1812 until 1815, when he was elected to Congress and served 1815 to March 1817—being the third of the Federal Councillors in 1808 who served in the same Congress. He was Chief Judge of Grand Isle County Court in 1805, '6, '8, and '13. Rev. SIMEON PARMALEE gave a very interesting sketch of Mr. Lyon, in the second volume of the *Vt. Historical Magazine*, article "Grand Isle," in which he wrote that

He was a great man in stature and in powers of mind. He had a dark complexion, coarse features, powerful build, more than six feet in height, large boned, giant-framed, and a little stooping. * * It never could be said that the people of the Island were deprived of the gospel. Nor was it a shammy man-made gospel that Mr. Lyon proclaimed to them, for which they gave him nothing, but an able and faithful exhibition of gospel truth—clear as the sun in its meridian strength. Nor was he unappreciated as a man of power and an able vindicator of the truths of the gospel, by his people. His friends thought him not only a great man, but a good man. You could offend his people in no way any quicker than to speak reproachfully of Mr. Lyon. Still they knew he had faults, and they saw them, yet he had his good traits, and his people saw them also, and loved him and judged him with charity. * * He

[1] The three present towns of Grand Isle, North Hero, and South Hero originally formed one town named the *Two Heroes.* Oct. 27 1788, the islands were divided into two towns which were known as *North Hero* and *South Hero*, and were called by these names by Ira Allen in 1781. Nov. 7 1798, South Hero was made two towns named *Middle Hero* and *South Hero*, and Nov. 5 1810, the name of Middle Hero was changed to *Grand Isle.* Lyon's farm, it has been stated by Rev. S. Parmalee, was on the North Hero.

was a divine, a philosopher, and a reasoner and a scholar in almost every sense of the word. He was truly learned on all subjects; even a literary encyclopedia himself. He was eloquent in extemporaneous discussions.

The editor of the *Historical Magazine* adds:

He was no saint Lyon, as the enthusiast pencil may overpaint, "with no spot nor wrinkle nor any such thing;" but he was honored in the nation and worshipped in his own pulpit. Said the late Hon. Charles Adams of Burlington, "There have been two men in this State, whose intellect towered above all others, one Nat. Chipman of Tinmouth, the other Asa Lyon of Grand Isle."

"He died," said Mr. Parmalee, "as he had lived, like a philosopher and a Christian." His death occurred April 4 1841, in his 78th year. See portrait in *Vt. Hist. Mag.* Vol. II.—Drake's *Dictionary of American Biography;* Deming's *Catalogue;* and *Vt. Historical Magazine*, Vol. II.

Reuben Hatch represented Tunbridge in the General Assembly in 1792, '93, and '95; and he was a Councillor one year.—Deming's *Catalogue.*

Jedediah P. Buckingham was graduated at Dartmouth College in 1779 and came to Thetford in 1781 as an attorney, and there resided until his death, Sept. 1, 1840. He was an able man in his profession. He represented Thetford in the General Assembly 1800, 1804, and 1805; was Councillor one year; Chief Judge of Orange County Court from 1799 until 1806, and 1813 until 1816.—*Vt. Historical Magazine*, Vol. II; and Deming's *Catalogue.*

Deacon Daniel Dana came to Guildhall from Connecticut, [probably one of the Pomfret family,] as an attorney, and represented the town in the General Assembly 1800 until 1807, and 1808 till he entered the Council. He was a Councillor in 1813 and '14; Chief Judge of Essex County Court 1800 until 1808, and 1809, '13 and '14; and Judge of Probate 1801 until 1809, and 1813 and '14. He removed to New York, and the editor, Charles A. Dana of New York city, is his grandson.—*Vt. Historical Magazine*, Vol. I, article "Guildhall;" and Deming's *Catalogue.*

John Ellsworth represented Greensborough in the General Assembly in 1799 and 1806. He was Clerk of Orleans County Court 1803 until 1814, and served in the Council one year.—Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1808.

A Journal of the Proceedings of the Governor and Council of the State of Vermont, at their Session begun & holden at Montpelier, within & for said State, on the thirteenth day of October, being the second Thursday of said Month, in the year of our Lord, one thousaud eight hundred & eight, and of the Independence of the United States the Thirty third, on which day the General Assembly were convened, pursuant to the laws and Constitution of this State. Present, His Honor Paul Brigham Esq$^{r.}$ L$^{t.}$ Governor; of the Council, The Hon^{ble} Beriah Loomis, Noah Chittenden, Ebenezer Wheelock, Nathaniel Niles, Elias Keyes, Samuel Shaw, Josiah Wright, Samuel Shepardson, Ezra Butler, and Asaph Fletcher Esquires. Rollin C. Mallary Secretary. Joseph Armington Sheriff of Caledonia County. Mr. Dan$^{l.}$ Chipman appeared in Council from the House of Representatives, and informed that they had formed a quorum, and were ready to proceed to business. Ordered, That the Secretary inform the General Assembly that a quorum of the Council were convened, and ready to proceed to business.

A resolution was received from the House of Representatives appointing a Committee, to receive, sort, and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors for the year ensuing, which was read, and, Resolved, To concur with the house in passing the same. Councillors chosen, Mess$^{rs.}$ Shaw, Wright, Chittenden, Keyes, Wheelock, Shepardson & Loomis, and they were sworn to the faithful execution of their trust.

Adjourned to 4 o'clock P. M.[1]

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[1] The usual religious services followed the adjournment, the election sermon by Rev. Tilton Eastman. Of course the first meeting of the Legislature at Montpelier was honored by all the ceremonies and courtesies, civil and military, that were possible. Daniel P. Thompson gave an account of them in his *History of Montpelier*, but unfortunately that was in fact a description of the "election day" of 1809. In 1808 escort duty was performed by United States troops, under the command of Colonel Larned Lamb of Montpelier, who at that time had received a commission in the U. S. Army and raised a company. A large number of people attended to witness the opening of the Legislature and the proclamation of the state officers, and but a very small part of them could gain admission to the house. Col. Lamb's company had filed in after the representatives and occupied the back seats of the hall of the house, when Mr. William Templeton objected strongly to the presence of United States troops to the exclusion of the freemen of the State, and especially of those who had contributed for the building of the State House. He was clamorously seconded, and the troops were ordered to withdraw from the hall. The editor is indebted for these statements to a gentleman who was present, the Hon. Daniel Baldwin of Montpelier.

4 o'clock P. M.—Mr. Griswold appeared in council Chamber, and informed that the General Assembly were convened in the Representatives' room, and were ready to meet the Lt. Governor & Council in Joint Committee for the purpose of hearing the report of the Committee of both Houses, appointed to receive, sort & count the Votes for Governor, Lt. Governor, Treasurer & Councillors for the year ensuing. The Lt. Governor and Council immediately repaired to the Representatives' room, and the following report was read, viz. "That his Excellency Isaac Tichenor Esquire is Elected Governor, His Honor Paul Brigham Esquire Lt. Governor, Benjamin Swan Esqr. Treasurer, and the Honble Elias Keyes, Chauncey Langdon, Daniel Chipman, Solomon Miller, Zerah Willoby, Asa Lyon, Samuel Fletcher, Reuben Hatch, Jedediah P. Buckingham, Daniel Dana, John Elsworth and Noah Chittenden, are duly Elected Councillors for the year ensuing, all which is respectfully submitted. SAMUEL SHAW, *for Comee.*[2]

The Lt. Governor & Council returned to their Chamber and adjourned untill 9 o'clock Tomorrow morning.

FRIDAY October 14th, 9 o'clock A. M.

The Council met pursuant to adjournment. Present, His Honor Paul Brigham Esqr. Lt. Governor, The Honle. Elias Keyes and Noah Chittenden Esqrs. Councillors. The Honble Chauncey Langdon, Daniel Chipman, Asa Lyon, Zerah Willoby [Willoughby,] Reuben Hatch, Daniel Dana and John Elsworth Esquires, elected Councillors for the year ensuing, appeared in the Council Chamber, and were sworn into office by his Honor the Lt. Governor.

A Resolution was received from the house, appointing a Committee to wait on his Excellency Isaac Tichenor Esquire, and inform him of his appointment of Governor, for the year ensuing, & being read, Resolved, To concur therein, and Ordered that Mr. Chipman join said Committee. Ordered, That the Secretary return said resolution to the house.

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[2] The votes for governor were as follows, as appears from the *Vermont Centinel* [Burlington] of Oct. 21 1808:

Counties.	*Tichenor.*	*Smith.*	*Scattering.*
Chittenden	1348	778	35
Orange	1345	1480	45
Essex	224	87	11
Franklin	1190	789	19
Bennington	947	1123	35
Rutland	1548	2359	63
Addison	1345	1168	57
Windsor	1377	2714	57
Grand Isle	320	68	3
Windham	2477	1097	53
Orleans	377	236	11
Caledonia	1136	776	38
	13634	12775	427

Majority for Gov. Tichenor 432.

The *Centinel* also stated that Moses Robinson junior of Bennington, one of the Federal candidates for the Council, failed of an election by reason of the omission of the "junior" in many of the votes.

Ordered, That the Secretary inform the Hon^ble Solomon Miller, Jedediah P. Buckingham and Samuel Fletcher Esq^rs. that they are duly elected Councillors for the year ensuing.

Adjourned to 2 O'clock P. M.

2 O'clk P. M.—The L^t. Governor & Councillors present subscribed the Oaths required by the Constitution.

His Excellency the Governor appeared in the Council Chamber, and with the Council proceeded to the Representatives' room, there signified his acceptance of the Office to which he had been duly elected by the Freemen, and the Oaths, prescribed by the Laws and Constitution, were administered to him by the Hon^le. Royal Tyler Chief Judge of the Supreme Court of Judicature, and the Governor & Council returned to their Chamber.

Received from the house the Petition of Mary Giles, praying for relief, with the following order thereon, "In General Assembly Oct. 14, 1808, Read & referred to Mess^s. King, W. Child & C. Smith, to join a Committee from Council. Attest M. Post Clerk," which was read, and Resolved, That M^r. Dana join the above Committee from the house.

His Excellency the Governor was pleased to appoint William Page Jun^r. Esquire Secretary for himself and Council. M^r. Page appeared in Council, and the Lieutenant Governor administered the Oaths of office to him as Secretary of the Governor and Council.

Attest [Rollin C. Mallary, *Sec^y.*]

The following Resolution was received from the house—"In General Assembly Oct. 14, 1808. On motion, Resolved that the following Standing Committees be appointed, on the part of the house. to join such Committees as the Governor & Council may appoint on the same subjects—viz—The First Land Tax Committee, Mess^s. P. Smith, D. Clap, & Sexton. The Second Land Tax Committee Mess^s. Henry, J. Hall & Otis. The Third Land Tax Committee, Mess^s. A. Chamberlin, Wheatley & Newell. A Committee, denominated the Committee of Insolvency and suspension, Mess^s. W. Chamberlin, Marvin, De Forrest & Hammond. A Committee, denominated The Committee of New Trials, Mess^s. Ware, Olin, W. Chamberlin & G. Robinson. A Turnpike Committee, Mess^s. Rich, Flagg, J. Dana and Putnam. A Committee of Claims, Mess^s. N. Chipman, Edmund [David Edmond of Vergennes,] Hunt & Ware. Extract from the Journals Attest M. Post Clk pro. tem." and the same being read, Resolved, That M^r. Chittenden join the First Land Tax Committee; That M^r. Ellsworth join the Second Land Tax Committee; That M^r. Hatch join the Third Land Tax Committee; That M^r. Langdon join the Committee of Insolvency and suspension; That Mr Chipman join the Committee of new trials; That M^r. Lyon join the Committee of Claims; and That M^r. Keyes join the Turnpike Committee.

Adjourned untill 9 O'clk Tomorrow morning.

Saturday October 15 1808 9 o'clk A. M.

The Council met pursuant to adjournment.

The Hon^e. Solomon Miller Esquire, Elected a Councillor, appeared in the Council Chamber, took & subscribed the Oaths prescribed by the laws and Constitution and was admitted to a seat as a member.

The Petition of Minott Farmer, first Constable of Parkerstown [Mendon,] praying for relief and power to sell the lands in said town under the cent tax, was received from the house with this order thereon: "In General Assembly Oct. 14, 1808, read & referred to Mess^s. N. Chipman,

T. Hutchinson & W. Chamberlin to join a Committee from Council. Attest M. Post Clk."—read & Resolved That Mr. Willoby join the above Committee of the House.

Received from the House of Representatives the Petition of John Barker & others, relative to the Jurisdictional lines between the towns of Salisbury & Leicester, also a Petition of sundry Inhabitants of Sharon and Royalton relative to their Jurisdictional lines, with this order on each: "In General Assembly Oct. 14 1808, read and referred to Messrs. Thompson, Green & Brown, to join a Committee from Council. Attest M. Post Clerk," and being read, Ordered That Mr. Chipman join the above Committee of the house.

Recd. from the house of Representatives a Petition for a land tax on Berkshire, with this order thereon: "In General Assembly Oct. 14, 1808. Referred to the First joint land tax Committee. Attest M. Post Clk." and the same being read, Resolved To concur with the house in the said reference.

Received from the House of Representatives the several Petitions of Geo. Sturtevant & E. Hawley praying for acts of suspension with this order on each: "In General Assembly Oct. 14, 1808, Read & referred to the Joint Committee of suspension &c. Attest M. Post Clerk," and being severally read, Resolved To concur with the house in their said reference.

Received from the house, the Petition of Enos Silsbee praying compensation for a horse killed in the service of the public, and the Petition of James D. Butler, for payments of sundries advanced to John Vincent a poor Indian, with this order on each—"In General Assembly Oct. 14, 1808, Read & referred to the joint Committee of Claims. Att. M. Post Clerk," and the same being severally read, Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—Received from the House of Representatives the Petition of Caldwell Moore first Constable of Barnet, praying the Legislature to pass an act in confirmation of his proceedings as Collector of the Cent Tax, with this order thereon: "In General Assembly Oct. 15, 1808, read and referred to Messrs. Fyler, Sanborn and Palmer to join a Committee from Council. Attest M. Post Clerk"—and the same being read, Resolved, That Mr. Hatch join the above Committee of the house.

Received from the house of Representatives the Petition of Thomas Todd & Son, for an act of incorporation, for the purpose of manufacturing woolen Cloth and also for a loan of money, with this order thereon: "In General Assembly Oct. 15, 1808, read & referred to Messrs. Thompson, Dewey & Ware, to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Ellsworth & Mr. Langdon join the above Committee of the house.

Received from the house of Representatives a Petition from Coit's Gore, for an act to incorporate said Gore and part of Belvidere & Bakersfield into a new Township, by the name of Walpole, with this order thereon: "In General Assembly Oct. 15, 1808, Read and referred to Messrs. Hazeltine, Shaw & Follett to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved That Mr. Miller join the above Committee of the house.

Received from the house of Representatives a Petition from the Overseers of the Poor in the Town of Grafton with this order thereon: "In General Assembly Oct. 15, 1808, read and referred to the joint Committee of new trials. Attest M. Post Clerk," and the same being read, Resolved To concur with the house in their said reference.

Rec$^{d.}$ from the House of Representatives, Petitions for land Taxes on Newark & Burke, and one from Pittsfield for the repeal of an act laying a land tax on said town, with the following order on each: "In General Assembly Oct. 14th 1808. Referred to the first joint land tax Committee. Attest M. Post Clerk," and the same being severally read, Resolved, To concur with the house in their said reference thereon.

Received from the house of Representatives the Petition of Francis Davis, for an act to free his body from imprisonment on an Execution in favor of John & Isaac F. Roe, with this order thereon: "In General Assembly Oct. 15, 1808, Read and referred to the joint Committee of suspension. Attest, M. Post Clerk," and being read Resolved, That M$^{r.}$ Chipman join said Committee on this Petition.

Received from the House of Representatives the Petition of Benj^{a} H. Oakes, praying to be liberated from Imprisonment, and to have his body free from arrest for the term of five years, with this order thereon: "In General Assembly Oct. 15, 1808, read & referred to the joint Committee of suspension. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives a Petition from the town of Burke for an alteration in the County road, and a Petition from John W. Blake and others for a Turnpike road from Rockingham to the South line of the State, with this order on each: "In General Assembly Oct. 15, 1808. Read and referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved To concur with the house in their said reference.

Adjourned to 9 o'clk Monday Morning.

MONDAY, October 17^{th,} 1808, 9 O'clk A. M.

The Council met pursuant to adjournment.

Received from the House of Representatives a Petition from the Inhabitants of Bakersfield, with this order thereon: "In General Assembly Oct. 15 1808, referred to the Second joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives the Petitions of Thomas Hodgkins and Abraham Dibble, praying for acts of Insolvency and suspension of civil process against them, with this order on each: "In General Assembly Oct. 15, 1808, read & referred to the joint Committee of suspension &c. Attest M. Post Clerk," and the same being severally read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives a Petition from sundry Inhabitants of Middletown, for the grant of a Turnpike road from Clarendon to Poultney, with this order thereon: "In General Assemby Oct. 15, 1808, read & referred to the joint Turnpike Committee. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives a Petition from the Town of Pawlet, praying that the town lines between that town and Rupert may be Established, with this order thereon: "In General Assembly Oct. 15, 1808. Read and referred to Mess$^{s.}$ Pratt, Emerson & Prindle to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That M$^{r.}$ Lyon join the above Committee of the house.

Received from the House of Representatives the Petition of Oliver Smith & William Hamilton, praying for an act of Insolvency, with this

order thereon: "In General Assembly Oct. 15, 1808, read & referred to the joint Committee of suspension. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Chipman join the Committee of suspension on this Petition.

His Excellency the Governor, accompanied by the Lt. Governor & Council, proceeded to the Representatives' room, according to previous notice, where his Excellency delivered to both branches of the Legislature the following speech.[1]

The Governor & Council then returned to their Chamber & resumed the consideration of business.

In Council at Montpelier, Oct. 17, 1808.

Present, His Excellency Isaac Tichenor Esqr. Governor; His Honor Paul Brigham Esqr. Lt. Governor; Of the Council, The Honble Elias Keyes, Chauncey Langdon, Daniel Chipman, Zerah Willoby, Asa Lyon, Solomon Miller, Reuben Hatch, Daniel Dana, and John Ellsworth Esquires; William Page Junr. Secretary, Joseph Armington Sheriff. The Council took under consideration the Petition of Josiah Hathaway of Plymouth in the County of Windsor, stating that at the term of the Supreme Court of Judicature, begun and held at Woodstock, within & for the County of Windsor, on the Third Tuesday of August A. D. 1808, he the said Josiah was convicted before said Court of the crime of adultery and was fined by said Court the sum of eighty dollars and further ordered to pay the costs of prosecution amounting to forty dollars & twenty three cents, representing his utter inability to pay said fine & costs, and praying the Governor & Council to remit the same or such part thereof as to the Governor & Council may seem proper. And on the question shall the Fine imposed as aforesd by the Court aforesaid, on the said Josiah Hathaway, be remitted—The yeas & nays being required by Mr. Chipman were as follows, to wit: Yeas, Govr. Brigham, Mr. Keyes, Mr. Langdon, Mr. Chipman, Mr. Miller, Mr. Willoby, Mr. Lyon, Mr. Dana and Mr. Hatch. Whereupon, after a full examination of the premises, and hearing evidence on the part of the Petitioner, and mature deliberation being had thereon, *It is Ordered and Adjudged*, That the said fine of Eighty dollars, imposed on the said Josiah Hathaway by the Court aforesaid, be and the same is hereby remitted. And the Sheriff of our County of Windsor, and all other persons concerned will take due notice hereof and govern themselves accordingly.

Attest William Page Jr. *Secv.*

Adjourned to 2 O'clk P. M.

2 Oclock P. M.—Received from the house of Representatives the following resolution: "In General Assembly October 17, 1808, on motion of Mr. Rich, Resolved that a Committee of three be appointed from this House, to join such Committee as the Governor and Council may appoint, to report a bill or bills for the regulation of the State Prison, and also to examine the several laws relating to crimes and punishments, and report such additions, alterations and amendments as may be rendered necessary on account of the State Prison. Members chosen, Messs. T. Hutchinson, Edmond & Olin. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, That Mr. Chipman join said Committee from the House on the above resolution.

Received from the House of Representatives, A Bill referred from the last Session of the Legislature, Entitled "an act in addition to an act

[1] For the speech see *Appendix* A.

Entitled an act defining what shall make a legal settlement &c." with this new order thereon: "In General Assembly Oct. 17, 1808, Read & referred to Messrs. Luce, Olin & Hinman to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Langdon join said Committee of the house.

Received from the house of Representatives the Petition of John & James I. Winans concerning a Steam Boat on Lake Champlain, with this order thereon: "In General Assembly Oct. 17, 1808, read and referred to Messrs. N. Chipman, G. Robinson & Pratt to join a Committee from Council. Att. M. Post Clerk," and the same being read, Resolved, That Mr. Elsworth join the above Committee of the house.

Received from the House of Representatives a Petition from sundry Inhabitants of Cornwall, praying that part of the town of Bridport may be annexed to Cornwall, with this order thereon: "In General Assembly Oct. 17, 1808, read and referred to Messrs. Rich, Gardner & Graves, to join a Committee from Council. Attest M. Post Clk." and the same being read, Resolved, That Mr. Lyon join said Committee of the house.

Received from the house of Representatives, a Bill referred from the last Session of the Legislature, Entitled "An act granting to Isaac Eddy a tract of land therein mentioned," with this order thereon: "In General Assembly Oct. 17, 1808, Read & referred to Messrs. Knapp, A. Robinson & Jason Duncan to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Willoby join the above Committee of the house.

Received from the house of Representatives, a Bill referred from the last session of the Legislature, Entitled "An act appointing a Committee to lay out a Post Road from the Court House in Middlebury to the North line of Huntsburgh" [Franklin,] with this order thereon: "In General Assembly Oct. 17, 1808, Read & referred to Messrs. Shafter, Pitkin & Asa Smith to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Dana join the above Committee of the house.

Received from the house of Representatives, a Petition from Sundry Inhabitants of Newfane, praying to be annexed to Townsend, with this order thereon: "In General Assembly Oct. 17, 1808, Read & referred to Messrs. A. Robinson, John Dodge & Duncan to join a Committee from Council. Attest M. Post Clk." and the same being read, Resolved, That Mr. Keyes join the above Committee of the house.

Received from the house of Representatives the Petition of Clark Rogers, respecting the collection of the State Prison Tax on Huntsburgh, with this order thereon: "In General Assembly Oct. 17, 1808, Read & referred to the joint Committee on the Petition of Caldwell Moore. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives the Petition of Ebenezer Markham, praying for an act freeing his body from arrest for the term of ten years, and the Petition of Jesse Leavenworth, praying for an act to free his body from arrest during his life, with this order on each: "In General Assembly Oct. 17, 1808. Read and referred to the joint Committee of Suspension. Attest M. Post Clerk," and the same being read, Resolved To concur with the house in their said reference.

Received from the House of Representatives the Petition of Isaiah Sanford, First Constable of Monkton, for relief in a mistake made in the Grand list of said town, the Petition of the Selectmen of Sheldon for remuneration of monies expended in the support of Robert Smith a foreigner, and the Petition of the Selectmen of Bradford for relief against the State Prison land tax, with this order on each: "In General

Assembly Oct. 17, 1808, read & referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives the Petition of John R. Gibson for new trials in actions in his favor against Elias Gallup, with this order thereon: "In General Assembly October 17, 1808, read and referred to the joint Committee of new trials. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives the Petition of the Directors of the Weathersfield Turnpike Company, praying that the time limited by the act of Incorporation for completing said road might be extended, with this order thereon: "In General Assembly Oct. 17, 1808, Read and referred to the joint Turnpike Committee. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives the Petition of the Inhabitants of the town of Arlington, praying an alteration in the Statute of limitations, with this order thereon: "In General Assembly Oct. 17, 1808. Read & referred to Messrs. Rich, D. Clapp & Hunter to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved that Mr. Miller join the above Committee of the house.

Received from the house of Representatives the Petition of Aaron Henry, praying a further credit on the Bond and Mortgage in favor of the State against him, and a Petition from Nathan Fletcher Junr. and Lewis Pratt [for relief] in a suit against them in favor of the State, as bail for Nathan Dean Junr. with this order on each: "In General Assembly Oct. 17, 1808, read and referred to the joint Committee on the Petition of Mary Giles. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Adjourned untill 9 O'clk Tomorrow morning.

Tuesday October 18th, 1808, 9 o'clk A. M.

The Council met pursuant to adjournment.

Received from the House of Representatives the following Resolution: "In General Assembly Oct. 17, 1808. Resolved, the Governor and Council concurring herein, that both houses meet in their separate rooms, tomorrow morning at ten o'clock, and then & there proceed to ballot for some suitable Person as a Senator to represent this State in the Senate of the United States for six years from and after the third day of March next, and that immediately thereafter both houses meet in joint Committee in the Representatives' room for the purpose of declaring the person elected, and that if the two houses do not agree on the same person, that they proceed by joint ballot to elect a suitable person as Senator as aforesaid. Read & adopted. Extract from the Journals, Attest, M. Post Clerk," and the same being read, Resolved, To non-concur with the house in the above resolution for the following reasons: That since the election of the Members of Council have been published, there has not been sufficient time to give regular notice to all the members elect of their election & have them attend & be qualified. And that in the opinion or knowledge of the Governor and Council there is no particular reason to make it necessary to proceed to that important election at so early a period of the session, when the collective voice of

the Representatives of the People cannot be taken. Ordered, That the Secretary return the same to the House.

A bill passed in the House of Representatives, Entitled "An act altering the name of Elijah Stebbins Johnson to that of Lovwell Johnson," was sent up for revision and concurrence or proposals of amendment, and being read, Ordered, That the same be referred to M^r. Hatch.

Received from the house of Representatives a Petition for land taxes on Derby, Salem, Newark, East-haven, Granby & Guildhall, with this order thereon: "In General Assembly Oct. 17, 1808, Read & ordered to lie on the table. Called up and referred to the third joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives the Petition of Malachi & Witherell Wittam [Wittum,] praying compensation for land [lost] by the Commissioners of Confiscation, with this order thereon: "In General Assembly Oct. 17, 1808, read and referred to the joint Committee of Claims. Attest, M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives, the Petition of James Perry praying to be restored to his law, with this order thereon: "In General Assembly Oct. 17, 1808, read and referred to Mess^s. Wheatley, Brown & J. Fuller to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That M^r. Chipman join the above Committee of the house.

Received from the House of Representatives "An act further to provide for the support of schools," with this order thereon: "In General Assembly Oct. 17, 1808, Read and referred to Mess^s. L. Hall, P. Smith & Hazleton [Hazeltine] to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That M^r. Chittenden join the above Committee of the house.

In Council, at Montpelier, October 18, 1808.

Present, His Excellency Isaac Tichenor Esquire Governor; His Honor Paul Brigham Esq^r. L^t. Governor; of the Council, The Hon^ble Elias Keyes, Chauncey Langdon, Daniel Chipman, Solomon Miller, Asa Lyon, Zerah Willoby, Reuben Hatch, Daniel Dana, and John Elsworth, Esquires. William Page Jun^r. Secretary; Jos. Armington, Sheriff. The Governor & Council took under consideration the Petition of Seth Payne, stating that, at the Supreme Court of Judicature begun & held at Danville within & for the County of Caledonia on the third Tuesday next following the fourth Tuesday of August A. D. 1807, he the s^d Seth Payne was convicted of the crime of passing counterfeit Bills, and sentenced among other things to four years hard labor, that he is now confined in the common goal of said Danville, that his health is much impaired by his confinement, that he has been & still is very unwell, and that a much longer imprisonment, in all probability, will put a period to his existence, and praying the Governor & Council to remit & pardon the remaining part of his said punishment, or such part thereof as shall be thought proper. And on the question, Shall the imprisonment aforesaid imposed on the s^d Seth Payne, by the Court aforesaid, be remitted and pardoned? the yeas & nays being required were as follows, to wit: Yeas, none; Nays, Gov. Brigham, M^r. Keyes, M^r. Langdon, M^r. Chipman, M^r. Miller, M^r. Lyon, M^r. Willoby, M^r. Hatch, M^r. Dana and M^r. Elsworth. Wherupon, after a full examination of the Premises, and hearing evidence on the part of the Petitioner, and mature deliberation being had thereon, *It is ordered and adjudged*, that the imprisonment afores^d of the said Seth Payne be not remitted and pardoned, and that the s^d Petition be dismissed.

Received from the house of Representatives the Petition of Seth Walker and others, for the grant of a Turnpike road from the west end of the Green Mountain Turnpike to Poultney, one from Ferrisburgh for the grant of a Turnpike Road from Vergennes to Hurn's [Heirn's] Ferry, and one for the Grant of a Turnpike Road from Stratton to Sunderland, with this order on each: "In General Assembly Oct. 18, 1808, read & referred to the Joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives the Petition of the Selectmen of Warren, praying to be released from the payment of the State Tax of 1807, and one from Joseph Garnsey, first Constable of Rochester, praying relief as Collector of the State Prison Tax on said Town, with this order on each: "In General Assembly Oct. 18, 1808, Read & referred to the joint Committee of Claims. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a Petition for the revival of a land tax on Ludlow, with this order thereon: "In General Assembly Oct. 18, 1808, Read and referred to the 2nd joint Land Tax Committee. Attest M. Post Clerk," and the same being read Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—The Honorable Jedediah P. Buckingham Esquire appeared in the Council Chamber, signified his acceptance of the office of Councillor to which he had been elected by the Freemen, took and subscribed the necessary oaths, and was admitted to a seat.

Adjourned untill nine O'clk Tomorrow morning.

Wednesday, October 19th, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the House of Representatives the following Resolution: "In General Assembly, October 18, 1808, Resolved, the Governor & Council concurring herein, that the members of both houses meet in County Conventions at four O'clock in the afternoon of Wednesday next, for the purpose of nominating their County Officers, and that both houses convene in joint Committee in the Representatives' room at the opening of the house on Thursday next to elect such officers. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house therein with this proposal of amendment, "Insert in the 5th line Thursday instead of Wednesday, and in the 10th line Friday instead of Thursday." Also this resolution: "In General Assembly Oct. 18, 1808, Resolved, the Governor and Council concurring herein, that both houses meet in joint Committee in the Representatives' room at three O'clock Tomorrow afternoon for the purpose of electing Judges of the Supreme Court. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house therein, with this proposal of amendment, "in the fourth line erase the words "tomorrow afternoon," and insert, "in the afternoon of Thursday next." And also this resolution: "'In General Assembly Oct. 18, 1808, Resolved, the Governor and Council concurring herein, that both houses meet in their separate rooms at two O'clock P. M. on Wednesday next, for the purpose of balloting for some suitable person to represent this State in the Senate of the United States

for the term of six years from and after the third day of March next, and that immediately after both houses meet in the Representatives' room, for the purpose of comparing, and if no person should be found duly elected, that both houses then proceed by joint Ballot to elect a person as Senator as aforesaid. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house therein, with this proposal of amendment, "in the 4th line erase "Wednesday," and insert "Thursday." Ordered, That Mr. Lyon inform the house of the reasons of the Governor & Council in proposing the above amendments to the three foregoing resolutions.

Received from the house of Representatives the Petition of Nathl. Bosworth Jur. praying relief on an Execution in favor of the State against him, with this order thereon: "In General Assembly Oct. 18, 1808. Read & referred to the joint Committee on the Petition of Mary Giles. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, a Petition for a land Tax on Bristol, with this order thereon: "In Genl. Assembly Oct. 18, 1808. Called up and referred to the first Joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives several Petitions, to wit, one for a land tax on Deweysburgh, and one for a land tax of [on] Irasburgh, with this order on each: "In General Assembly Oct. 18, 1808, read & referred to the third joint land Tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. *Also*, A Petition from the town of Wells, relating to their public lands, with this order thereon: "In General Assembly Oct. 18, 1808, read & referred to the joint Committee on tne Petition of sundry Inhabitants of Cornwall. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. *Also*, A Petition for the grant of a Turnpike road from Norwich to Chelsea, and one for a Turnpike road from Cheshire Bridge, so called, over Connecticut river in Springfield to Thaddeus Park's in Chester, with this order on each: "In General Assembly Oct. 18, 1808, Read and referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, A Petition for a new County, with this order thereon: "In General Assembly Oct. 18, 1808, Read and referred to Messrs. Stanley, Gardner & Fox to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Keyes join the above Committee of the house.

Received from the house of Representatives a bill referred from the last session of the Legislature, Entitled An act to repeal the seventh Section of an act Entitled an act directing the mode of taking the forfeiture of grants & charters, with this new order thereon: "In General Assembly Oct. 18, 1808. Called up and referred to Messrs. Olin, D. Smith & Saxton to join a Committee from Council. Attest M. Post Clerk." and the same being read, Resolved, That Mr. Chittenden join the above Committee of the house.

Received from the house of Representatives a bill referred from the last Session of the Legislature, Entitled An act in addition to an act defining the powers of Justices of the Peace &c. with this order thereon: "In General Assembly Oct. 18, 1808. read & referred to Messrs. G. Robinson, Newell & F. Child to join a Committee from Council. Att. M. Post Clerk," and the same being read, Resolved, That Mr. Miller join the above Committee of the house.

Received from the house of Representatives the Petition of Asa

Wheelock for a division of the town of Wardsboro, with this order thereon: "In General Assembly Oct. 18, 1808, Read and referred to Messrs. A. Chamberlin, Hammond & Barney to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Lyon join the above committee of the house.

Received from the house of Representatives a resolution referred from the last session of the Legislature, relative to a road from White River to Woodstock, with this new order thereon: "In General Assembly Oct. 18, 1808. Called up and referred to Mr. Luce, D. Dana & Brown to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Buckingham join the above Committee of the house.

Received from the house of Representatives the Petition of Charles Bulkley and others, praying relief as Trustees of Montpelier academy, with this order thereon: "In General Assembly Oct. 18, 1808, read & referred to Messrs. Ware, Putnam & Lynde to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Keyes join the above Committee of the house.

Received as above a bill referred from the last session of the Legislature, Entitled an act in addition to an act establishing a State Bank, with this new order thereon: "In General Assembly Oct. 18, 1808, read & referred to Messrs. Collins, Pratt, Farrington, Barnard & S. Wallace to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Willoby & Mr. Dana join the above Comee of the house.

Received as above, a bill referred from the last session of the Legislature, Entitled an act in addition to and amendment of an act constituting the Supreme Court of Judicature &c. with this new order thereon: "In General Assembly Oct. 18, 1808, read & referred to Messrs. Griswold, Edmond & Marvin to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Ellsworth join the above Committee of the house.

Received as above, a bill referred from the last session of the Legislature, Entitled an act in amendment of an act incorporating a College at Middlebury, with this new order thereon: "In General Assembly Oct. 18, 1808, Called up & referred to Messrs. Linsley, Patrick and Olin to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Miler join the above Committee of the house.

Received from the house of Representatives a Memorial against the conduct of the Directors of the Vermont State Bank, with this order thereon: "In General Assembly Oct. 18, 1808, Read & referred to Messrs. Cameron, Kinne [Kinney,] Thompson, Hinman & Dewey to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Langdon and Mr. Hatch join the above Committee of the house.

Received from the House of Representatives a bill referred from the last session of the legislature, Entitled an act concerning the public lands of Deweysburgh, and a Petition accompanying the same, with this order on each: "In General Assembly Oct. 18, 1808, Read & referred to Messrs. W. Chamberlin, Cahoon, & Palmer to join a committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Buckingham join the above Comee of the house.

Adjourned to 2 Oclock P. M.

2 O'CLOCK P. M.—Received from the house of Representatives several Petitions, to wit, one from John Wheelock & Wm. H. Woodward,

agents of the Trustees of Dartmouth College & Moore's Charity school, relative to a suit instituted in the name of the State to repeal the Charter of Wheelock, with this order thereon: "In General Assembly Oct. 19, 1808, Read & Referred to Messrs. Morris, Olin, W. Chamberlin, Cameron and Pratt, to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Lyon join the above Commitee of the house. Also, The Petition & Remonstrance of Elias Buell against the proceedings of the Militia stationed at Burlington, and praying relief, with this order thereon: "In General Assembly Oct. 19, 1808. Read & referred to Messrs. Morris, Cameron & Rich, to join a Commte of the Council. Att. M. Post Clerk," and the same being read, Resolved, That Mr. Willoby join the above Committee of the house. Also, one from Rufus Flint praying to be relieved from a mistake in not recording his proceedings as Collector of the Cent Tax on Braintree, with this order thereon: "In General Assembly Oct. 19, 1808, Read and referred to to the joint Committee on the Petition of Caldwell Moore. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, one from Asa Bulkley and others praying for the grant of a lottery for the purpose of erecting a Bridge over the Missisquoi River, with this order thereon: "In General Assembly Oct. 19, 1808. Read & referred to Messrs. Waterman, Blodget & Going to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Dana join the above Committee of the house. Also, one from Benjamin Bell, for a ferry across Lake Champlain, with this order thereon: "In General Assembly Oct. 19, 1808, Read & referred to Messrs. Bailey, Porter & Holden to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr Willoby join the above Committee of the house.

On Motion of Mr. Lyon, Resolved, That he be discharged as a Committee from the Council on the Petition of Asa Wheelock, and that Mr Keyes be appointed in his room.

Received from the house of Representatives, Petitions from the Towns of South Hero and Middle Hero, praying for the privilege of two Representatives in the General Assembly, with this order on each: "In General Assembly October 19th, 1808. Read & referred to the joint Committee on the Petition of Asa Wheelock. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives sundry Petitions, to wit, One from the heirs of Ebenezer Williams praying for a hearing before the Judge of Probate of Hartford District, with this order thereon: "In General Assembly Oct. 19, 1808, Read & Referred to Messrs. P. Smith, Dewey & Norton, to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Chittenden join the above Comee of the house. One, from the Selectmen of the Town of Waterford, praying for an act to legalize their town records, with this order thereon: "In General Assembly Oct. 19, 1808, Read & referred to Messrs. Aldrich, Fisk & E. Walker to join a Come from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Langdon join the above Committee of the house. One, from Hugh Henry relative to the conduct of the Directors of the State Bank, with this order thereon: "In General Assembly Oct. 19, 1808, Read & referred to the joint Committee on the memorial of John P. Williams. Att. M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. One, from Joseph Farrar, for relief on a Judgment in favor of the State against him, with this order

thereon: "In General Assembly Oct. 19, 1808, Read & referred to the joint Committee on the Petition of Mary Giles. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives sundry Petitions, to wit, One for a Land Tax on Duncansboro [Newport,] with this order thereon: "In General Assembly Oct. 19, 1808, Read & referred to the second joint land Tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, two for land Taxes on Lutterloch & Coventry, with this order on each: "In General Assembly Oct. 19, 1808, Read & Referred to the third joint land Tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, one from Asa Bulkley praying compensation for apprehending Samuel I. Mott, a murderer; one from Johnson Richardson, for payment of sundries furnished Cap$^{t.}$ John Vincent, a Poor Indian; and one from Silas Alger [jr.] & others for compensation, in apprehending Israel Everett, with this order on each: "In General Assembly Oct. 19, 1808, Read & referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, one from Silas Hathaway, for an act to suspend civil process against him for seven years, with this order thereon: "In General Assembly Oct. 19, 1808, read & referred to the joint Committee of Suspension. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, Petitions for the grant of Turnpike roads from Burke to Canada line, from the mouth of the 1$^{t.}$ Branch of White River to Washington, and one for an additional toll to the Randolph Turnpike, with this order on each: "In General Assembly Oct. 19, 1808, Read & referred to the joint Turnpike Com$^{ee.}$ Att. M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the house of Representatives a remonstrance from the Inhabitants of Weathersfield against granting a Turnpike road from Springfield to Chester, with this order thereon: "In General Assembly Oct. 19, 1808, Read & referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a Petition from the Town of Stowe praying to have the division of lands in said town ratified, and a Petition from the Town of Lincoln for a Land Tax on Bristol, with this order on each: "In General Assembly Oct. 19, 1808, Read and referred to the first joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives an act to revive part of an act laying a tax on the Town of Navy [Charleston] and Randon [Brighton;] an act in addition to an act laying a tax of two cents per acre on the town of Stamford; and an act to revive an act laying a tax on Enosburgh Gore, with this order on each: "In General Assembly Oct. 19, 1808, Read and referred to the second joint land Tax Commitee.

Att. M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

The Committee to whom was referred the bill Entitled "an act altering the name of Elijah Stebbins Johnson to that of Lovwell Johnson," reported that the same ought to pass, which report was not accepted, and on motion of Mr. Langdon, Resolved, To nonconcur with the house in passing the same into a law, and Ordered, That Mr. Langdon inform the house of the reasons of the Govèrnor & Council for such nonconcurrence. The same bill was directly returned from the house of representatives, again passed, & sent up for revision and concurrence or proposals of amendment, and on motion, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—Received from the house of Representatives the following message in writing: "In General Assembly Oct. 19, 1808, Resolved that this house concur with the Governor & Council in their proposed amendment to the resolution appointing a time for the election of a Senator, And the resolution appointing a time for the election of the Judges of the Supreme Court, And the resolution appointing a time for the Legislature to meet in County Conventions for the nomination of County officers, and in Joint Committee for the Election of such Officers. Extract from the Journals. Att. M. Post Clerk."

Mr. Hutchinson, from the house, informed the Governor and Council that the house of Representatives were now ready in their room to proceed to ballot for a Senator to Congress, according to the concurrent resolution of both houses. Ordered, That the Secretary inform the house of Representatives that the Governor & Council are also ready in their Chamber to proceed to ballot for a Senator to Congress according to the concurrent resolution of both houses.

Resolved, That the Governor and Council do now proceed to ballot for some suitable person as Senator, to represent this State in the Congress of the United States for six years from and after the third day of March next, pursuant to the concurrent resolution of both houses. And the ballots being taken, sorted & counted, The Honble Daniel Chipman Esquire had a majority of all the votes and was declared duly elected on the part of the Council. Mr. Hutchinson, from the House of Representatives, informed the Governor and Council that the House had completed balloting for a Senator &c. and were now ready to meet the Governor & Council in the Representatives' room for the purpose of comparing nominations and proceeding agreeably to law. The Governor and Council accordingly proceeded to the Representatives' room, when the above proceedings of the Governor & Council were read by their Secretary, and also the proceedings of the House of Representatives as follows by their Clerk: "In General Assembly Oct. 20, 1808, Pursuant to the concurrent resolution of both houses of the 19th Instant, the General Assembly proceeded to ballot for a person to represent this State in the Senate of the United States for six years from and after the third day of March next. The ballots being taken, sorted & counted, The Honl. Jonathan Robinson Esqr. was duly elected on the part of the General Assembly. Extract from the Journals, Attest M. Post Clerk." And it thereupon appearing that the two houses differed in their nominations, both branches then proceeded in joint Committee to ballot for some suitable person as Senator as aforesaid. And the ballots being taken, sorted & counted, The Honl. Jonathan Robinson Esquire had a majority of all the Votes and was declared duly elected. The Governor & Council then met the house in joint Committee, pursuant to the

concurrent resolution of both houses, for the purpose of electing Judges of the Supreme Court of Judicature & Court of Chancery for the year ensuing, and the ballots being taken, sorted & counted, The Hon^{L} Royall Tyler Esq^{r} was duly elected Chief Judge, and Hon^{L} Theophilus Herrenton [Harrington] & Jonas Galusha Esquires Side or Assistant Judges. The Governor & Council then returned to their Chamber.

The Hon^{L} Samuel Fletcher Esq^{r} appeared in the Council Chamber, signified his acceptance of the office of Councillor, to which he had been elected by the Freemen, took & subscribed the necessary oaths, and was admitted to a Seat.

Adjourned untill 9 o'clock Tomorrow morning.

Friday October 21^{t} 1808, 9 O'clk A. M.

The Council met pursuant to adjournment.

Pursuant to the concurrent resolution of both houses, the Governor and Council proceeded to the Representatives' room, and met the house in joint Committee to receive the nominations of County officers and make the appointments of the same, and also to elect a Surveyor General, and having progressed in the same, the joint Committee was adjourned untill Wednesday morning next, at the opening of the house.[1]

Received from the house of Representatives the Petition of Mitchell Corliss, praying for an act to suspend civil process against him for the term of seven years, and one from W^{m} Champlin for an act to suspend civil process against him for five years, with this order on each: "In General Assembly Oct. 20, 1808, Read & referred to the joint Committee of suspension. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives sundry Petitions, to wit, One for a land tax on Kingston [Granville,] with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred to the Second joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, One for establishing a branch of the State Bank at S^{t} Albans, with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred to the joint Committee on the bill in addition to an act establishing the State Bank. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, one from Jacob Davis, for relief in his proceedings as Collector of a land tax, with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred to the joint Committee on the Petition of Caldwell Moore. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, one from sundry Inhabitants of Richmond for an alteration in the Winooski Turnpike Road; One for a Turnpike road from Shoreham to Burlington; an act in addition to and alteration of an act establishing the Windham Turnpike Company &c.; and an act in addition to and alteration of an act supplementary to an act incorporating certain persons by the name of the Weathersfield Turnpike Company, with this order on each: "In General Assembly Oct. 20, 1808, Read and referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, The Petition of John Taplin for relief in a certain case therein mentioned; the Petition of Daniel Peasley for relief as Collector of Tunbridge Gore, and a Petition from

[1] Joseph Beeman jr. was elected Surveyor General.

Thomas Gustin, for payment for loss of land bought of Thomas Chandler, Commissioner for the sale of confiscated Estates, with this order on each: "In General Assembly Oct. 20, 1808, Read and referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—Received from the house of Representatives sundry Petitions, to wit, The Petition of Samuel Frizzle, praying compensation for arresting certain counterfeiters, with this order thereon: "In General Assembly Oct. 20, 1808, Read & referred to Messrs. P. Smith, Griswold & T. Hutchinson, to join a Committee from the Council, to take into consideration the propriety of passing a General act on the subject. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Fletcher join the above Committee of the house. Also, the Petition of William Trotter for legislative aid in erecting a Cotton & Woolen manufactory, with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred to joint Committee on the Petition of Thos. Todd & Son. Attest M. Post Clerk," and, the same being read, Resolved, To concur with the house in their said reference. Also, the Petition of David Ormsby & Gideon Ormsby for a new trial in the case of Samuel Hitchcock and others against Jona. Ormsby deceased, with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred to Messrs. T. Hutchinson, Hunter & Flagg, to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Buckingham join the above Committee of the house.

Received from the house of Representatives sundry Petitions, to wit, The Petitions of the Inhabitants of Bradford, relative to the jurisdictional line of said town, with this order thereon: "In General Assembly Oct. 20, 1808, Read and referred, together with all the enclosed and accompanying Papers, to Messrs. Barney and Luce to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Fletcher & Mr. Hatch join said Come of the house. Also, The Petition of Bradley & Moses Wilson for a relief on a recognizance by them entered into, with this order thereon: "In General Assembly Oct. 21, 1808, Called up & referred to the joint Committee on the petition of Mary Giles. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, The Petition of Benja. Brock, for relief as first Constable of Newbury, against the land Tax of last session, with this order thereon: "In General Assembly Oct. 21, 1808, Read and Referred to the joint Committee on the Petition of Caldwell Moore. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, The Petition of Benja. Brock, First Constable of Newbury, for relief against a mistake of the Grand list of said Town of 1807, with this order thereon: "In Genl. Assembly Oct. 21, 1808, Read & referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, The Petition of the Inhabitants of Middlebury falls, for the Incorporation of a Fire Company, with this order thereon: "In General Assembly Oct. 21, 1808, Read & referred to Messrs. Ferguson, Hoyt & Shepard to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved That Mr. Fletcher join the above Committee of the house. Also, The Petition of the Waltham Turnpike Company for an alteration in said road, with this order thereon: "In General Assembly Oct. 21, 1808, Read & referred to the

joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, the Petition of Israel Grosvenor, praying compensation for time employed in detecting counterfeiters, with this order thereon: "In General Assembly Oct. 21, 1808, Read & referred to the joint Committee on the Petition of Samuel Frizzle. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

In Council, at Montpelier, October 21^{t}, 1808.

Present His Honor Paul Brigham Esq^{r} L^{t} Governor; Of the Council, The Hon^{ble} Elias Keyes, Chauncey Langdon, Daniel Chipman, Solomon Miller, Zerah Willoby, Asa Lyon, Samuel Fletcher, Reuben Hatch, Jed. P. Buckingham, Daniel Dana, John Elsworth & Noah Chittenden, Esq^{rs} William Page Jun^{r} Sec^{y} Jos. Armington Sheriff. The L^{t} Governor & Council took under consideration the Petition of Abel Platt of Rutland, stating That at the Supreme Court of Judicature, begun & holden at Rutland, within & for the County of Rutland on the Tuesday next following the Fourth Tuesday of January A. D. 1808, he was indicted and convicted of the crime of counterfeiting Bank Bills, and was sentenced to be whipped thirty nine stripes, and pay a fine of ten dollars with costs of prosecution, that the s^{d} whipping has been inflicted, and the s^{d} fine and costs secured, that the s^{d} Petitioner is allmost wholly destitute of property, is fifty seven years old, has an infirm wife and five small children, and praying that the only stain upon his hitherto fair reputation may be removed, and that this Honorable body would pardon the disabilities consequent to the afores^{d} conviction and infamous Punishment. And after hearing evidence on the part of said Petitioner and Counsel in his behalf, on motion of M^{r} Langdon, Ordered, That the further consideration of the foregoing Petition be referred to the next session of the Governor & Council.

Adjourned to 9 O'clock Tomorrow morning.

Saturday, October 22nd, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the house of Representatives sundry Petitions, to wit, A Petition from the town of Barton for a land tax on said Town, with this order thereon: "In General Assembly Oct. 21, 1808, Read & referred to the third joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, the Petition of Silas Remington to be restored to his law, with this order thereon: "In General Assembly Oct. 21 1808, Read and referred to Mess^{s} Galusha, Danforth & Graves to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That M^{r} Buckingham join the above Committee of the house. Also, The Petition of the town of Barton for a right of land granted to John Paul Jones,[1] with this order thereon: "In General Assembly Oct. 21, 1808. Read and referred to Mess^{s} Barney, Campbell, & R. Parker to join a Committee from Council. Attest M. Post Clerk." and the same being read, Resolved, That M^{r} Fletcher join the above Committee of the house.

Received from the house of Representatives an act directing the Treasurer to pay Benj^{a} Miner Ju^{r} the sum therein mentioned, with this order thereon: "In General Assembly Oct. 21, 1808. This bill was brought in on motion & leave of M^{r} Rich, read & referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

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[1] Not the admiral, but a Scotchman of Rhode Island.

Received from the house an account in favor of Joseph Edson against the State, with this order thereon: "In General Assembly Oct. 21, 1808. Read & referred to the joint Committee on the Petition of Sam[l] Frizzle. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives sundry Petitions, to wit, The Petition of John McMurphy, praying for an act freeing his body from arrest for the term of five years, with this order thereon: "In General Assembly, Oct. 21, 1808. Read and referred to the joint Committee of suspension. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also The Petition of John B. Catlin & W[m.] Fuller for an alteration in the Fairhaven Turnpike road, with this order theron: "In General Assembly Oct. 21, 1808. Read and referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, the Petition of E. Beardsley & E. Hatch for the exclusive privilege of keeping a ferry from Middle Hero to North Hero, with this order thereon: "In General Assembly Oct. 21, 1808. Read & Referred to the joint Committee on the Petition of Benj[a.] Bell. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

In Council, at Montpelier, October 22, 1808.

Present, His Honor Paul Brigham, Esq[r.] L[t.] Governor; Of the Council, The Hon[ble.] Elias Keyes, Chauncey Langdon, Daniel Chipman, Solomon Miller, Zerah Willoby, Asa Lyon, Samuel Fletcher, Reuben Hatch, Jed. P. Buckingham, Daniel Dana, and Noah Chittenden, Esquires. William Page, Jun[r.] Secretary, Jos. Armington, Sheriff. The L[t.] Governor and Council took under consideration the Petition of Beniah Woodward, stating that at an adjourned term of the Supreme Court of Judicature begun & held at Woodstock, within & for the County of Windsor on the —— day of September A. D. 1807, the said Petitioner was tried & convicted on an indictment for passing counterfeit Bank Bills, and was then and there sentenced by said Court among other things to be whipped on the naked back thirty nine stripes, to be imprisoned two years, pay a fine of ten dollars, together with costs of prosecution taxed at $36.87, and stand committed untill sentence be complied with; that the corporeal part of said punishment has been inflicted upon said Petitioner, that by repeated misfortunes he is reduced to indigent circumstances, that his health is much impaired by long confinement, that his wife is infirm and unable to support herself, that his aged Parents are poor and unable to support themselves, and must together with his wife & children be chargeable to Society, unless the said Petitioner is liberated from confinement; that the s[d.] Petitioner, being seduced by evil minded men, had just commenced the nefarious traffic for which he now suffers, and that in the whole course of his life he had never passed more than fifteen dollars of counterfeit money; and *Praying* this Honorable body to take his case into their merciful consideration, and grant him relief, by remitting and pardoning the remainder of his said imprisonment, together with the fine & cost aforesaid. And, on the question, shall the remainder of the imprisonment, imposed as afores[d,] by the Court afores[d,] on the s[d] Beniah Woodward, be pardoned & remitted, The Yeas & nays being required, were as follows, Yea, M[r.] Willoby—1. Nays. M[r.] Keyes, M[r.] Langdon, M[r.] Chipman, M[r.] Miller, M[r.] Lyon, M[r.] Fletcher, M[r.] Hatch, M[r.] Buckingham, M[r.] Dana & M[r.] Chittenden—10. Whereupon after hearing evidence on the Part of the said Petitioner and Counsel in his behalf and mature deliberation being had thereupon,

It is Ordered and Adjudged, That the remainder of the imprisonment aforesd, imposed by the Court aforesd, on the sd Beniah Woodward be not pardoned & remitted, and on Motion, *It is further Ordered*, That the said Petitioner have leave to withdraw his Petition.

Adjourned to 2 Oclock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled An act to suspend civil process against George Sturtevant for the term of five years, was sent up for revison and concurrence or proposals of amendment, and the same being read, Resolved, To concur with the house in passing said bill into a law.

Received from the house of Representatives sundry Petitions, to wit, The Petition of John Scott & Wm. Spencer for an act of Insolvency, with this order thereon: "In General Assembly Oct. 22, 1808, Read & referred to Messs. Ormsbee, A. Robinson & W. Child, to join a Committee from the Council. Attest M. Post Clerk," and the same being read Resolved, That Mr. Miller join the above Committee of the house. Also, The Petition of Aaron Porter and others, for the grant of a Turnpike Road from Danville Court House to the House of P. Dow in Rye-gate, with this order thereon: "In General Assembly Oct. 22, 1808, Read & referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, The Petition of Aaron Porter and others, for a Branch of the State Bank at Danville, with this order thereon: "In General Assembly Oct. 22, 1808, Read & referred to the joint Committee on the bill in addition to an act establishing a State Bank. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference. Also, the Petition of Freeman Vining, and the Petition of James Bangs, both praying for compensation in apprehending Counterfeiters, with this order on each: "In General Assembly Oct. 22, 1808, Read and referred to the joint Committee, on the Petition of Saml. Frizzle. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Adjourned untill 9 Oclock Monday morning.

Monday, October 24th, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment, and Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—Received from the house of Representatives the following resolution: "In General Assembly Oct. 22, 1808. Resolved that that part of the Governor's speech relating to organizing & Governing the Militia be referred to a Committee of three, to join a Committee from the Council. Members chosen from the house, Messs. Morris, Cahoon & Norton. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, That Mr. Fletcher join the above Committee of the house. Also, this resolution: "In General Assembly Oct. 22, 1808. Whereas some deficiency is supposed to exist in the Militia laws of this State, relating to the governing part thereof, Therefore resolved, That a Committee of three members be appointed from this house to take into consideration the several laws of this State regulating & governing the Militia thereof, to see if any & what alterations ought to be made therein, & make report of the same to this house. Introduced by Mr. Norton, read & referred to the joint Committee on that part of the Governor's speech relating to the Militia. Extract

from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives accounts in favor of Dan[l]. Peaslee and others against the State for services rendered in apprehending Counterfeiters, with this order thereon: "In General Assembly Oct. 22, 1808. The enclosed accounts were referred to the joint Committee on the Petition of Sam[l]. Frizzle. Att. M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a Petition from the President & Directors of the Hubbardton Turnpike Company, praying that the toll on pleasure carriages may be lowered, with this order thereon: "In General Assembly Oct. 22, 1808. Read & referred to Mess[rs]. Rich, Fisk & Crowley to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That M[r]. Langdon join the above Com[e] from the house.

Received as above the following resolution: "In General Assembly Oct. 22, 1808. Resolved that his Excellency the Governor, by and with the advice of Council, be requested to appoint Thursday the eighth day of December next to be observed as a day of public Thanksgiving and praise throughout this State. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, That the Council advise his Excellency to issue his Proclamation accordingly.

Received ftom the house of Representatives the Petition of Elihu Smith and others for a division of the town of Huntsburgh [Franklin,] with this order thereon: "In General Assembly Oct. 24, 1808. Read and referred to Mess[rs]. Hubbard, J. Clapp & Willoughby to join a Committee from the Council. Attest M. Post Clk." and the same being read, Resolved, That M[r]. Willoby join the above Committee.

Adjourned to 9 O'clock Tomorrow morning.

Tuesday October 25[th], 1808, 9 Oclock A. M.

The Council met pursuant to adjournment.

Received again from the house of Representatives the Petition of Mary Giles, with this new order thereon: "In General Assembly Oct. 24, 1808. Report read and accepted. Vote reconsidered & the Petition recommitted to the same joint Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said recommittment.

Received from the house of Representatives a bill referred from the last session of the Legislature Entitled an act granting relief to Stephen Woodward, with this order thereon: "In General Assembly Oct. 24, 1808. Read and referred to the joint Committee of suspension. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

An Engrossed bill, passed in the House of Representatives, Entitled an act in addition to and alteration of an act laying a tax of three cents per acre on the Township of Montgomery & three cents per acre on Avery's Grant, was sent up for revision & concurrence or proposals of amendment, and the same being read, Resolved, To concur with the house in passing said bill into a law.

Received from the house an account in favor of Joseph Beeman Jr. Surveyor General against the State, with this order thereon: "In General Assembly Oct. 24, 1808. Read & referred to the joint Committee

of Claims. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clk P. M.

2 O'CLOCK P. M.—An Engrossed bill, passed in the house of Representatives, Entitled An act to free the body of William Champlin from arrest and imprisonment on civil process for the term of four years was sent up for revision &c. & being read, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 9 O clock Tomorrow morning.

WEDNESDAY, [Oct. 26, 1808,] 9 O'clock A. M.

The Council met pursuant to adjournment.

An Engrossed bill, passed in the house of Representatives, Entitled "An act granting a reprieve to Cyrus B. Dean," was sent up for revision and concurrence or proposals of amendment, and the same being read, Ordered, That the same be referred to Messrs. Chipman & Langdon.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act altering the names of Samuel Hogg, Thomas Hogg, Robert Hogg and John Hogg," and "An act directing the Treasurer to credit the town of Monkton the sum of seven dollars & thirty two cents," and the same being severally read and considered, Resolved, To concur with the house in passing the same into laws.

Received from the house of Representatives the Petition of Joseph Armington, Sheriff of Caledonia County, praying remuneration for the payment of several sums of money advanced on account of several State prisoners, with this order thereon: "In General Assembly Octr. 25, 1808, Read and referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the House of Representatives a bill Entitled "An act to revive an act laying a Tax on the town of Readsboro'," with this order thereon: "In General Assembly Oct. 25, 1808, This bill was brought in, on motion and leave by Mr. Bailey, and referred to the second joint land Tax Committee. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a Petition from sundry Inhabitants of Sherburne, praying relief against a road Tax granted last session of the Legislature, with this order thereon: "In General Assembly Oct. 24, 1808, read and referred to Messrs. Crowley, Taber & J. Leach, to join a Committee from the Council. Attest M. Post Clk." and the same being read, Resolved, That Mr. Keyes join the above Committee from the house.

Received from the house of Representatives the Petition of Jos. Barnett and others, praying for the grant of a Turnpike road from Newbury to Craig's Mills, with this order thereon: "In General Assembly Octr. 25, 1808, Read & referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Pursuant to adjournment, the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of compleating the elections of County officers for the year ensuing, and having made progress therein, the joint Committee was adjourned untill Friday next, at ten O'clock A. M. The Governor and Council returned to their Chamber and Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—The Hon^ble. Royall Tyler appeared in the Council chamber and took the necessary oaths as Chief Judge of the Supreme Court of Judicature & Court of Chancery for the year ensuing.

Received from the house of Representatives a bill entitled An act establishing a Corporation by the name of the Vergennes and Willsboro [N. Y.] Turnpike Company, with this order thereon: "In General Assembly Oct^r. 26, 1808, Read and recommitted to the joint Turnpike Committee for the purpose of filling the blanks. Attest M. Post Clk." and the s^d order being read, Resolved, To concur with the house in said recommittment.

The Committee appointed on the bill Entitled "An act granting a reprieve to Cyrus B. Dean," reported that the same ought to pass with sundry amendments. On Motion, M^r. Amos Marsh & M^r. Bates Turner were admitted and heard as counsel on the part of said Dean. The yeas & nays being required on the passage of said bill, with the amendments proposed, were as follows: Yeas, M^r. Langdon, M^r. Miller, M^r. Willoby, M^r. Fletcher, M^r. Dana & M^r. Elsworth—6; Nays, M^r. Brigham, M^r. Keyes, M^r. Chipman, M^r. Lyon, M^r. Hatch, M^r. Buckingham & M^r. Chittenden—7: so the s^d bill was nonconcurred as amended, and on motion, Ordered, That the same lie on the table untill tomorrow morning.

Adjourned untill 9 O'clock Tomorrow morning.

Thursday October 27^th, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor & Council again took under consideration the bill Entitled "an act granting a reprieve to Cyrus B. Dean," and being read was amended, and on the question of concurrence as amended, the yeas and nays being required, were as follows, to wit: Yeas, M^r. Brigham, M^r. Keyes, M^r. Miller, M^r. Willoby, M^r. Hatch, M^r. Fletcher & M^r. Buckingham—7; Nays, M^r. Langdon, M^r. Chipman, M^r. Lyon, M^r. Dana, M^r. Elsworth & M^r. Chittenden—6: whereupon Resolved, To concur with the house in passing said bill into a Law, with these proposals of amendment: "In the 1^st Section, 5^th line, erase the words "last Friday of February," and insert "second Friday of November;" erase from the word "next" in the 5^th line of same section to the word "and" in the 15^th line, and insert in lieu thereof, "and on the said second Friday of November between the hours of ten in the forenoon and three in the afternoon of said day, the said Sheriff of Chittenden County for the time being, or the High Bailiff, acting as such, shall proceed in the Execution of said warrant, in the same manner as would have been his duty to have done, in case the time of executing said warrant had not been altered or suspended by this act." In the 2^d Section, erase in the 8^th & 13^th lines the words "said Sheriff" and insert the words "Sheriff of said Chittenden County for the time being, or the High-Bailiff acting as such." Ordered, That Gov^r. Brigham acquaint the house with the reasons of Council in proposing said amendments.[1]

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[1] Dean was one of the party on the smuggling vessel "Black Snake," and had been convicted, in the supreme court, of the murder of Jonathan Ormsbee and Asa Marsh, who were of the custom-house force, for which he had been sentenced to be hung on the 28th of October 1808. The act reprieved him until the 11th of the succeeding November, when he was executed at Burlington.

Received again from the house of Representatives the Petition of N. Fletcher Jr. & Lewis Pratt, with this new order thereon: "In General Assembly Oct$^{r.}$ 26^{th,} 1808, recommitted with the bill accompanying to the former joint Committee. Attest M. Post Clerk," and the said order being read, Resolved To concur with the house in their said recommittment.

Received again from the house of Representatives, the Petitions of Enos Silsbee, of Joseph Armington, of Asa Bulkley, and of Silas Alger Ju$^{r.}$ & others, with this new order on each: "In General Assembly Oct$^{r.}$ 26, 1808, Received from the Committee of claims and referred to the joint Committee on the Petition of Sam$^{l.}$ Frizzle. Attest M. Post Clerk," and the said order being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives the Petition of William Chamberlin & others, and a Petition for the grant of a Turnpike road from Craig's mills to Connecticut River, with this order thereon: "In General Assembly Oct$^{r.}$ 26^{th,} 1808, Read & referred to the joint Turnpike Committee. Attest M. Post Clk," and the same being read, Resolved, To concur with the house in their said reference.

The following written message was received from the house of Representatives: "In General Assembly Oct$^{r.}$ 27, 1808. Resolved, That the house concur with the Governor & Council in their proposed amendments to the bill entitled "An act granting a reprieve to Cyrus B. Dean," and the bill has become a law. Attest Martin Post Clerk."

"In Council, at Montpelier, Oct$^{r.}$ 27, 1808. Present His Excellency Isaac Tichenor Esquire Governor; His Honor Paul Brigham Esquire L$^{t.}$ Governor; Of the Council, The Hon^{le} Elias Keyes, Daniel Chipman, Chauncey Langdon, Asa Lyon, Zerah Willoby, Samuel Fletcher, Reuben Hatch, Jedediah P. Buckingham, Samuel Miller, Daniel Dana, John Elsworth and Noah Chittenden Esquires. William Page Jun$^{r.}$ Secretary. The Governor & Council took under consideration the Petition of David Sheffield, stating that at the session of the Supreme Court of Judicature, specially holden at Burlington within & for the County of Chittenden on the 23^{d} day of August last, he was convicted of the crime of manslaughter, and that he now remains in confinement, to bear the sentence of the law, and praying that the Governor & Council would most graciously pardon his said offence—and after hearing the Counsel in behalf of the said Petitioner, it was Ordered, unanimously, that the said Petition be dismissed.[1]

Adjourned untill 2 O'clock P. M.

2 O'clock P. M.—An Engrossed Bill, passed in the house of Representatives, Entitled "An act extending the time of the collection of the Cent Tax in the town of Woodford," was sent up for revision and concurrence or proposals of amendment, and the same being read, Ordered, That it be referred to M$^{r.}$ Miller.

The following Engrossed bills, past in the house of Representatives, were sent up for revision &c. viz. "An act for the benefit of the Overseers of the Poor of the Town of Grafton," and "An act in addition to and in alteration of an act incorporating certain persons therein named by the name of the Weathersfield Turnpike Company," and the same being severally read, Resolved, To concur with the house in passing them into Laws.

On motion, M$^{r.}$ Chipman obtained leave to introduce a bill Entitled "an act in addition to an act Entitled an act appointing a Committee to

[1] Sheffield was one of the crew of the smuggling vessel "Black Snake."

lay out and survey the road therein mentioned, passed Nov. 7, 1807," and the same being read and considered, Resolved, That the same do pass, and Ordered that the same be engrossed and sent to the General Assembly for their concurrence.

Received again from the house of Representatives a Petition from the Inhabitants of Pittsfield with this new order thereon: "In General Assembly Oct$^{r.}$ 27, 1808, recommitted to the first joint land Tax Com$^{ee.}$ Attest M. Post Clerk," and the s^{d} order being read, Resolved, To concur with the house in their said recommitment. On motion, M$^{r.}$ Chipman obtained leave to introduce a bill Entitled "an act in addition to and amendment of an act Entitled an act to repeal a certain act and parts of an act therein mentioned, passed Oct$^{r.}$ 24^{th,} 1807," and the same being read, Resolved, That the same be referred to M$^{r.}$ Chipman to join a Committee from the General Assembly.

Adjourned untill 9 O'clock Tomorrow morning.

Friday, October 28^{th,} 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act granting certain privileges to the Waltham Turnpike Company," was sent up for revision &c. read & Resolved, To concur with the house in passing said bill into a law.

Received from the house of Representatives An act reviving an act laying a tax of three cents per acre on the town of Huntsburgh [Franklin,] with this order thereon: "In General Assembly Oct$^{r.}$ 27, 1808, This bill was bro^{t} in on motion & leave by M$^{r.}$ Hubbard, read and referred to the third joint land tax Committee. Att. M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received lrom the house of Representatives "an act directing the Treasurer to credit Josiah Burton, first constable of Manchester, the sum therein mentioned," with this order thereon:—"In Gen^{l} Assembly Oct$^{r.}$ 27, 1808, This bill was brought in on motion & leave by M$^{r.}$ Pratt, read and referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives "an act relating to a land tax on Middlesex," with this order thereon: "In General Assembly Oct$^{r.}$ 27, 1808. This bill was brought in, on motion & leave by M$^{r.}$ Putnam, read & referred to the first joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

On Motion, M$^{r.}$ Langdon obtained leave of absence untill Wednesday morning of next week.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—Received from the house of Representatives the following resolution: "In General Assembly Oct. 28, 1808. Resolved, That this House do concur with the Governor & Council in passing into a law the bill Entitled "An act in addition to an act Entitled an act appointing a Committee to lay out and survey the road therein mentioned, passed Nov. 7, 1807." Attest M. Post Clerk."

Received from the house of Representatives "an act directing the Treasurer to pay Daniel Oatman the sum therein mentioned," also "an act directing the Treasurer to pay the sums therein mentioned," with this order on each: "In General Assembly Oct$^{r.}$ 28, 1808. Read and

referred to Messrs. Pratt, Otis & E. Walker to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Resolved, That Mr. Elsworth join the above Committee from the house.

Received from the house of Representatives the account of Caleb Fisk, referred to the General Assembly by the auditor of accounts against the State, with this order of the house thereon: "In General Assembly Octr. 28, 1808. Read and referred to the joint Committee on the Petition of Samuel Frizzle. Messrs. Griswold and T. Hutchinson excused from said Committee and Messrs. Denison & Holden appointed in their room. Attt. M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Adjourned untill 9 O'clock Tomorrow morning.

Saturday October 29, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received again from the house of Representatives the Petition of Silas Remington, with this new order thereon: "In General Assembly Octr. 28, 1808. Report read & rejected, and on motion ordered that the Petition be recommitted to the former joint Committee, and the Committee directed to report whether it be proper to pass an act allowing the Petitioner the poor debtor's oath. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in said recommittment.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act to revive and continue an act Entitled an act laying a tax of one cent & five mills per acre on Enosburgh Gore, passed Octr. 26, 1807," "An act in addition to an act laying a tax of two cents per acre on the town of Stamford, passed Oct. 26, 1807," and "An act to discharge Nathan Fletcher Junr. & Lewis Pratt from the payment of a sum of money therein mentioned," and the same being severally read, Resolved, To concur with the house in passing said bills into laws.

On Motion, Ordered, That Govr. Brigham join the Committee of Suspension, in the room of Mr. Langdon absent on leave.

Adjourned to 2 O'clk P. M.

2 O'clock P. M.—There being no business before the Governor and Council, Adjourned untill 9 O'clk Monday morning.

Monday October 31, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act directing the Treasurer to pay the first Constable of Athens the sum therein mentioned," "An act directing the Treasurer to credit Joshua Barron Junr. first constable of the Town of Bradford, the sum therein mentioned," "An act to revive an act Entitled an act laying a Tax on the town of Readsboro', passed Octr. 20, 1807," and "An act in addition to an act constituting and appointing a Company of Volunteers in Dummerston," and the same being severally read & considered, Resolved To concur with the house in passing them into laws.

An Engrossed bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay Malachi Wittum & Witherell Wittum the sum therein mentioned," was sent up for revision &c. and the same being read, Ordered, That it be referred to Mr. Lyon.

On motion, M^r. Keyes obtained leave to introduce a bill Entitled "An act to repeal an act Entitled an act laying a tax of two cents per acre on the Township of Pittsfield, passed Nov. 5, 1807," and the same being read, Ordered, That it be referred to Gov. Brigham, to join a Committee from the house.

Received from the house of Representatives a bill Entitled "an act to revive an act laying a tax of three cents per acre on the town of Hopkinville" [Kirby,] with this order thereon: "In General Assembly Oct^r. 29, 1808, This bill was bro^t in on motion & leave by M^r. Fyler, read and referred to the third joint land tax Committee. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—Received from the house of Representatives A bill Entitled an act to repeal an act therein mentioned, with this order thereon: "In General Assembly Oct^r. 31^th. 1808, This bill was bro^t in on motion & leave by M^r. J. Fuller, read & referred to the joint Committee on the Petition of sundry Inhabitants of Sherburne. Attest M. Post Clk," and the same being read, Resolved, To concur with the house in their said reference.

Adjourned untill 9 O'clock Tomorrow morning.

Tuesday November 1^th. 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the house of Representatives An act to revive an act laying a Tax on Duxbury, with this order thereon: "In General Assembly Oct^r. 31^st. 1808, This bill was bro^t in on motion & leave by M^r. Corse, read & referred to the first joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives the petition of David Richardson, for a new trial, with this order thereon: "In General Assembly Oct^r. 31^th. 1808, Read & Referred to the joint Committee on new Trials. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a bill Ent^ld An act to revive an act laying a tax of three cents per acre on the town of Concord, with this order thereon: "In General Assembly Oct^r. 31^th. 1808, This bill was bro^t in on motion and leave by M^r. Wetherbee, read and referred to the third joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives an Old Treasurer's note with this order thereon: "In General Assembly Oct^r. 31, 1808, Referred to the joint Committee on Claims. Attest M. Post Clerk," and the s^d order being read, Resolved, To nonconcur with the house in said reference, and Ordered That M^r. Chipman inform the house of the reasons of the Governor & Council for such nonconcurrence.

The Committee on the bill Entitled "An act directing the Treasurer to pay Malachi Wittum & Witherell Wittum the sum therein mentioned," reported that said bill ought not to pass, and after hearing the Petitioners in support of their claim, Resolved, To nonconcur with the house in passing said bill into a law, for the following reasons: For that the s^d Petitioners having been called on, & having appeared have produced no evidence to prove the facts on which they have founded their

claim against the state. And for that if the Facts were true as stated by the Petitioners, yet no legal or equitable claim against the state could be thereon predicated. And for that the Legislature ought not, in consideration of the Petitioners' indigent circumstances alone, to grant them any sum of money whatever.

Adjourned to 2 O'clk P. M.

2 O'CLOCK P. M.—Received from the house of Representatives a bill Entitled an act in behalf of the first constables of North & South Hero with this order thereon: "In General Assembly Nov. 1, 1808. This bill was brot in on motion & leave by Mr. G. Robinson, read & referred to Messrs. G. Robinson, Lyon & Kimball to join a Committee from the Council. Attest M. Post Clk." and the same being read, Ordered, That Mr. Buckingham join the above Come of the house.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, viz. "An act to enable the Inhabitants of the third school district in Burlington, and South Eastern school district in Colchester, to unite their schools;" "An act to revive an act laying a tax of three cents per acre on Huntsburgh, passed the 29th Day of Oct. A. D. 1807;" "An act to revive an act Entitled an act laying a tax of three cents per acre on the town of Ludlow, passed Oct. 27th 1807;" "An act in addition to an act Entitled an act to revive a land tax on the town of Middlesex, passed Oct. 27, 1807," and "An act directing the Treasurer to pay the sums therein mentioned," and being severally read & considered, Resolved To concur with the house in passing them respectively into laws.

IN COUNCIL, at Montpelier, Nov. 1, 1808. Present, His Excellency Isaac Tichenor Esquire Governor; His Honor Paul Brigham Esquire, Lt Governor; of the Council, The Honble Daniel Chipman, Solomon Miller, Asa Lyon, Zerah Willoby, Samuel Fletcher, Reuben Hatch, Jed. P. Buckingham, Daniel Dana, John Elsworth and Noah Chittenden Esquires: William Page Junr Secy. The Governor & Council took under consideration the Petition of James Perry of Plymouth in the County of Windsor, stating that at the Supreme Court of Judicature holden at Woodstock within & for the County of Windsor on the third Tuesday of August A. D. 1802, he was indicted for the crime of perjury, in taking the oath prescribed by law for insolvent debtors, and was convicted on said indictment, and praying that the Governor & Council would so far pardon him the said James for the crime aforesd as to restore him to the priviledge of giving testimony under oath in Courts of law; and, after evidence in support of said Petition, Ordered, That the same lie on the table.

Adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY, November 2, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills passed in the house of Representatives were sent up for revision & concurrence or proposals of amendment, viz. "An act directing the Treasurer of the State to pay the first Constable of Newbury the sum therein mentioned;" "An act directing the Treasurer to pay to Enos Silsbee the sum therein mentioned," and, "An act directing the Treasurer of this state to pay to Joseph Armington the sum therein mentioned," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Received from the house of Representatives an act directing the Surveyor General to survey and establish certain town lines, with this order

thereon: "In General Assembly Nov. 1, 1808. This bill was brot in on motion and leave by Mr. Eddy, read & referred to Messs. Potter, Durfey & Ormsbee, to join a Committee from the Council. Att. M. Post Clk." and the same being read, Ordered, That Mr. Miller join the above Committee of the house.

Received from the house of Representatives a bill Entitled An act directing an endorsement on a certain note payable to the State's Treasurer, with this order thereon: "In Genl. Assembly Nov. 1, 1808. This bill was brot in on motion & leave by Mr. Brown, read & referred to the joint Committee on the Petition of Saml. Frizzle. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act granting to Heman Allen the exclusive privilege of building a toll Bridge across Missisquoi River," and "An act granting to Joseph Robinson and others the exclusive privilege of building a toll bridge over Missisquoi River in Swanton," and the same being read, Ordered, That they be referred to Mr. Chipman to report amendments.

The Committee on the bill Entitled "An act extending the time of the collection of the cent tax in Woodford" reported that the same ought to pass without amendment, whereupon Resolved, To concur with the house in passing said bill into a law.

Received from the house of Representatives a bill Entitled "an act to revive an act assessing a Tax on the town of Hardwick," and "an act reviving an act laying a tax of three cents per acre on the town of Moretown," with this order on each: "In General Assembly Nov. 2, 1808. Brought in on leave and referred to the third joint land tax Committee. Attest M. Post Clerk," and the same being severally read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives accounts in favor of Harry Hale & William Farrar against the State, referred from the Auditor of Accounts against the State to the General Assembly, with this order on each: "In General Assembly Nov. 2, 1808, Read and Referred to the joint Committee on the Petition of Samuel Frizzle. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

On motion, Ordered, That Mr. Chittenden join the Turnpike Committee on the part of the Council, in the room of Mr. Keyes.

Adjourn'd to 2 O'clock P. M.

2 O'clock P. M.—Received from the house of Representatives the Petition of Royall Crafts for the payment of an old state note, with this order thereon: "In General Assembly Nov. 2, 1808, Read and referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received again from the house of Representatives the Petition of Benja. Brock, with this new order thereon: "In General Assembly Nov. 2, 1808. Report read and accepted and Petition recommitted to former joint Committee, with directions that the Committee report a bill on the subject contained in the Petition. Attest M. Post Clerk," and the said report & order being read, Resolved, To concur with the house in their said recommittment.

The following Engrossed bill, passed in the house of Representatives, Entitled, "An act establishing a Corporation by the name of the Windsor acqueduct Company &c." was sent up for revision &c. & being read, Ordered, That the same be referred to Mr. Buckingham & Mr. Hatch.

Adjourned untill 9 O'clock Tomorrow morning.

THURSDAY [Nov. 3, 1808,] 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was rec^{d} from the house of Representatives: "In General Assembly Oct^{r} 31, 1808, Resolved, the Governor & Council concurring herein, that both houses meet in joint Committee in the Representatives' room at eleven O'clock in the forenoon on Friday next, for the purpose of choosing Electors of President & Vice President of the United States. Extract from the Journals, Attest M. Post Clerk." and the same being read, Resolved, To concur with the house therein.

The following bills passed in the house of Representatives were sent up for revision & concurrence or proposals of amendment, viz. "An act directing the Treasurer to credit Benjamin Miner Jun^{r} the sum therein mentioned," "An act authorising the Directors of the Fairhaven Turnpike Company to procure an alteration in their Turnpike Road," "An act for the relief of Ebenezer Markham," and "An act laying a tax of two cents per acre on the town of Lutterloh," and the same being severally read, Resolved, To coucur with the house in passing them respectively into laws.

Received from the house of Representatives the Petition of Parley Davis, for relief on a note given to the State Bank, with this order thereon: "In General Assembly Nov. 2, 1808, Read & referred to the joint committee to whom was referred the Petition of Mary Giles. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house, An act directing the Treasurer to pay Asa Bulkley the sum therein mentioned, with this order thereon: "In General Assembly Nov. 2, 1808, Read the first time, and, with the Petition of Asa Bulkley, recommitted to the joint Committee on the Petition of Sam^{l} Frizzle &c. Attest M. Post Clerk," and the said bill & order being read, Resolved, To concur with the house in said recommittment.

Received from the house of Representatives a bill Entitled "an act enabling the several Presbyterian Societies in the State to raise money for the support of the Gospel &c." with this order thereon: "In General Assembly Nov. 2, 1808. This bill wss bro^{t} in on motion and leave by M^{r} John Duncan, read and referred to M^{r} Olin, Chipman and Stanley, to join a Committee from Council. Attest M. Post Clerk," and the same being read, Resolved, That Gov^{r} Brigham join the above Committee of the house.

An Engrossed bill, passed in the house of Representatives, Entitled "an act in alteration of an act Entitled an act laying a road from Danville Court house in the County of Caledonia to the Court house in Guildhall in the County of Essex," was sent up for revision &c. & being read, Ordered, That the same be referred to M^{r} Dana.

Received from the house of Representatives the following resolution: "In General Assembly Nov. 2, 1808. Whereas the several companies of Artillery in this State are allmost wholly destitute of Ordinance & apparatus, and no means has, as yet, been devised to procure the same: And, Whereas, it has been represented that the United States have in their possession, in the several arsenals under the control of the Secretary at War, a large quantity of Artillery, which remains entirely useless, and which would be loaned to the several states, on application of the proper authority of each state, by giving security for their safe keeping and return when called for: Therefore, Resolved, the Governor and Council concurring herein, that our Senators and Representatives in the Congress of the United States be requested and instructed to make application to the Secretary at War, or some other proper board, for a loan of twenty pieces of artillery and suitable apparatus accompanying the

same, for the use of the Militia of this State. And that if such loan be obtained, the Commissary General of Military stores be directed to cause the same to be immediately transported into this State to be distributed as a future Legislature may direct. And that the Auditor of accounts be authorised to credit the accounts of the Commissary General for transporting the said Artillery and Military Apparatus as aforesaid, and draw an order on the Treasury for the payment of the same. Read, adopted and directed to be sent to the Governor & Council for concurrence. Extract from the Journals, Attest M. Post Clk." and the same being read, Resolved, To concur with the house therein.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—An Engrossed bill passed in the house of Representatives Entitled "An act establishing a corporation by the name of the Vergennes & Willsboro Turnpike Company," was sent up for revision & being read, Resolved, To concur with the house in passing said bill into a law.

An Engrossed bill. passed &c. Entitled "An act to incorporate the Burlington Fire Club," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with these proposals of amendment: erase the word "Club" in the title, in the 7th. line 1st. Section & 8th. line 2d. Section and insert the word "Company." In the 1st. Section, 19th. line, erase the words "like purposes," & insert the words "the purpose of securing buildings and other property from destruction by fire.

Adjourned untill 9 O'clock Tomorrow morning.

FRIDAY November 4th, 1808, 9 o'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act to authorize the making of a certain record therein mentioned;" "An act incorporating certain persons therein named by the name of the Middlebury Fire Society," and "An act freeing and releasing the person of Jesse Leavenworth from arrest and imprisonment for the term of his natural life,"[1] and being severally read, Resolved to concur with the house in passing them into laws.

Received again from the house of Representatives, the petition of Wm. Scott & John Spencer, with this new order thereon: "In General Assembly Nov. 3, 1808, Report read and rejected and the Petition recommitted to the former joint Committee. Attest M. Post Clerk," and said report & order being read, Resolved, To concur with the house in said recommittment.

An Engrossed bill passed in the house of Representatives Entitled "An act authorizing and directing the Surveyor General to procure certain papers and records therein named," was sent up for revision and concurrence or proposals of amendment, and being read, Ordered, That the same be referred to Mr. Miller.

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[1] As passed it was for the term of seven years. Mr. Leavenworth had been a prominent and useful man in Caledonia County, but he had suffered a long imprisonment for debt, and was at this time destitute of property, and a cripple.

Received from the house of Representatives, a bill Entitled "An act to revive an act laying a tax of three cents per acre on the Town of Hopkinville," with this order thereon: "In General Assembly Novr. 3, 1808, This bill was brot in on motion & leave by Mr. Fyler, & referred to the third joint land Tax Committee. Attest M. Post Clerk," and being read, Resolved, To concur with the house in their said reference.

Received again from the house of Representatives the Petition of James Bangs, with this new order thereon: "In General Assembly Novr. 1, 1808, Report read, accepted and Petition dsimissed. Novr. 3, called up, former vote reconsidered, and the Petition recommitted to the former joint Committee. Attest M. Post Clerk," and said report and order being read, Resolved, To concur with the house in said recommitment.

Received again from the house of Representatives the Petition of Bradley & Moses Wilson, with these new orders thereon: "In General Assembly Octr. 21, 1808, Report read & accepted, and leave granted to withdraw the Petition. Novr. 3, 1808, The vote recorded above reconsidered, and the Petition recommitted to the former joint Comee. Attest M. Post Clerk," and sd report & order being read, Resolved, To concur with the house in said recommitment.

Pursuant to adjournment the Governor and Council proceeded to the Representatives' room & met the house in joint Committee for the purpose of completing the election of County officers for the year ensuing, and also for the purpose, pursuant to the concurrent resolution of both houses, of choosing Electors of President and Vice President of the United States, and having completed the same, the joint Committee was dissolved, and the Governor and Council returned to their chamber, and adjourned untill 2 O'clock P. M.[1]

2 O'clock P. M.—Received from the house of Representatives this resolution: "In General Assembly Novr. 3, 1808, Resolved, that a Committee of three be appointed from this house to join from Council to take into consideration the act relating to capital and other high crimes and misdemeanors, and more particularly the 33d Section of the same, which relates to counterfeiting bank bills, and see whether any and what further amendments, additions or alterations ought to be made in defining sd crime, and report by bill or otherwise. Members chosen, Messs. Griswold, Rich & Jacob Smith. Extract from the Journals, Attest M. Post Clerk," and the same being read, Ordered, That Mr. Chipman join the Committee appointed by the house on said resolution.

The Committee to whom was referred the bill Entitled "An act incorporating and establishing an academy in Fairfield," reported that sd bill ought to pass, with sundry amendments, whereupon Resolved, To concur with the house in passing said bill into a law, with these proposals of amendment: In the title of the bill erase the words "An academy" and insert "a County Grammar school." In Section 1t in the 3rd, 27th & 33rd lines erase the word "Academy" and insert "Grammar School." In the 14th & 15th lines erase "Fairfield academy" and insert "Franklin County Grammar School in Fairfield." In Section 3rd line 3d erase "said academy" & insert "the house now built for the accommodation of said school." Ordered, That Mr. Willoby inform the house of the reasons of Council in proposing said amendments.

Received from the house of Representatives a bill Entitled "an act directing the Treasurer to pay to Oliver Ingham the sum therein men-

[1] Israel Smith, Jonas Galusha, John White, Samuel Shepardson James Tarbox, and William Cahoon were appointed electors.

tioned," with this order thereon: "In General Assembly, Novr 4, 1808, This bill was brot in on motion & leave by Mr Ingham, read & referred to the joint Committee on the Petition of Samuel Frizzle &c. Attest M. Post Clerk," and being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives An act authorising the sale of part of the real estate of Jona Parker deceased. with this order thereon: "In General Assembly Novr 4, 1808. Introduced by Mr Pliny Smith, read & referred to Messs Hammond, A. Thompson and Fox to join a Committee from Council. Attest M. Post Clerk," and the same being read, Ordered, That Mr Langdon join the above Come of the house.

The Council took under consideration the bill Entitled "An act establishing a Corporation by the name of the Windsor Acqueduct Company &c." and on motion of Mr Chipman, Resolved, The General Assembly concurring herein, that this bill be referred to the next session of the General Assembly, & Ordered, That Mr Chipman inform the house of the reasons of the Governor & Council in proposing said reference.

Benjamin Swan Esquire appeared in the Council Chamber, produced bonds for the due execution of the office of Treasurer of the State for the year ensuing, and the same was approved by the Governor & Council, & the Oath of office was administered to him by the Governor.

Received from the house of Representatives an acct. agt the State in favor of Daniel Staniford & others, with a number of accompanying papers, with this order thereon: "In General Assembly Nov. 4, 1808, Read & Referred to Messs Potter, F. Child, Linsley, Rich & Hammond to join a Committee from Council. Attest M. Post Clerk," and the same being read, Ordered, That Mr Elsworth & Mr Buckingham join sd Come of the house.

The Governor & Council again took under consideration the Petition of James Perry, and on motion Ordered, That the Petitioner have leave to withdraw his Petition.

Adjourned to 9 O'clock Tomorrow morning.

Saturday Novr 5, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the House of Representatives the report of a Committee on the printing of the laws, with this order thereon: "In General Assembly Nov. 4, 1808, Read & referred to Messs Morris, Farnsworth & T. Hutchinson to join a Committee from the Council, to take into consideration that part relating to accounts which are unliquidated & unprovided for. The remaining part of the report referred to the same Committee. Attest M. Post Clerk," and the same being read, Ordered, That Mr Dana join said Committee of the house.

Received from the house of Representatives a message in writing, to wit, "In General Assembly Nov. 4, 1808, Resolved to concur with the Governor & Council in their proposed amendments to the bill Entitled "An Act establishing a County Grammar School in Fairfield," and said bill has become a law. Extract from the Journals, Attest M. Post Clerk."

The joint Committee on the bill Entitled "An act to repeal an act Entitled an act laying a tax of two cents per acre on the Township of Pittsfield, passed Nov. 5, 1807," reported the same with amendments, which were adopted, and on motion Resolved, That said bill do pass, and that it be engrossed and sent to the house for their concurrence.

Mr. Chipman on motion obtained leave to introduce a bill Entitled "an act to extend the time of the completion and approbation of the Centre Turnpike Road," and the same being read was referred to Mr. Chipman to join a Committee from the house.

The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, to wit, "An act laying a tax of two cents and five mills per acre on the town of Duncansboro';" "An act directing the Treasurer to credit Josiah Burton, first Constable of Manchester, the sum therein mentioned;" "An act in addition to an act for the relief of Aaron Henry Junr. and others;" "An act laying a tax of two cents per acre on the town of Bakersfield;" "An act for the relief of Mary Giles;" "An act empowering towns to lay out School-Districts in certain cases;" "An act to revive part of a certain act laying a land tax on the towns of Navy and Random" [Charleston and Brighton,] and "An act appointing Commissioners to set off and survey the public lands in Deweysburgh," and said bills being severally read & considered, Resolved, To concur with the house in passing them into laws.

An Engrossed bill passed in the house of Representatives Entitled "an act for the relief of Minott Farmer" was sent up for revision & concurrence or proposals of amendment, and being read, Ordered, That it be referred to Mr. Willoby.

The Committee to whom was referred the bill Entitled "an act in alteration of an act Entited an act incorporating certain persons therein mentioned by the name of the Hubbarton Turnpike Company," reported sundry amendments to the same, whereupon Resolved, To concur with the house in passing sd bill into a law, with these proposals of amendment: In Sec. 1t, line 4th, erase "their" and insert "any." In the provisional clause 2d line, after the word "Proprietors," insert "at any annual meeting."

The Committee to whom was referred the bill Entitled "an act for the relief of Minott Farmer" reported sundry amendments thereto, whereupon Resolved, To concur with the house in passing said bill into a law, with these proposals of amendment: In section 2d line 2d erase the words "at his own expence," and add to said section these words, "And the said Minott shall be allowed the same sums for advertising as is allowed to Sheriffs in the act assessing said Tax, and the same shall be assessed on the lands of the delinquent proprietors in the same manner as is therein provided." Ordered, That Mr. Langdon inform the house of the reasons of Council in their proposals of amendment to the last above mentioned bills.

Received from the house of Representatives a bill Entitled "An act to establish the proceedings of Rufus Flint, first Constable of the town of Braintree," with this order thereon: "In General Assembly Nov. 5, 1808. Read the first time and ordered to be recommitted to the joint Committee to whom the Petition of Rufus Flint was referred. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a bill Entitled "An act in addition to an act Entitled an act regulating marriage and divorce," with this order thereon: "In General Assembly Nov. 5, 1808, This bill was brot. in on motion & leave by Mr. Olin, read & referred to Messs. Kinnee, Rising & Jason Duncan to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Ordered, That Mr. Chipman join said Committee of the house.

On motion, Mr. Keyes obtained leave of absence for the remainder of the session.

An Engrossed bill, passed in the house of Representatives, Entitled "an act granting to Ebenezer Marvin Junr. the exclusive right of building a toll bridge over Mississquoi River in Sheldon," was sent up for revision &c. read and Ordered, That the same be referred to Mr. Willoby.

Adjd. to 2 O'clock P. M.

2 O'clock P. M.—An Engrossed bill, passed in the house of Representatives, Entitled "An act confirming the grant of the Township of Wheelock to the Trustees of Dartmouth College and the President of Moore's Charity School," was sent up for revision and concurrence or proposals of amendment, and being read, Resolved, To concur with the house in passing said bill into a law.

Received from the house of Representatives this resolution: "In General Assembly Octr. 31th 1808. Whereas many actions are commenced in the Circuit Court of the United States for the trial of land titles in this State, in which the Inhabitants of the Northern part of the State are principally interested, and are obliged to attend the sessions of said Court at Rutland & Windsor, with their witnesses, at great distances from their homes, & thereby suffer great and unnecessary expences: and Whereas, the October session of said Court is so near the time of the stated session of the Legislature of this State that the business of said Court is mostly continued to the May term of the Court, to the injury of suitors. Therefore Resolved, that our Senators in Congress be instructed, and the Representatives requested, to use their influence to procure the session of said Circuit Court altered, so that it may be holden at Montpelier, or some other place near the centre of this State, instead of the places where it is now holden; and that the October Session of said Court may be altered either to September or November: read & adopted. Nov. 1th 1808, Ordered to be sent to the Governor & Council for their concurrence. Extract from the Journals, Attest M. Post Clerk," and the same being read, on the question of concurrence the yeas & nays being required by Mr. Chittenden, were as follows, to wit: Yeas, Mr. Miller, Mr. Willoby, Mr. Lyon & Mr. Chittenden—4; Nays, Govr. Brigham, Mr. Keyes, Mr. Langdon, Mr. Chipman, Mr. Fletcher, Mr. Hatch, Mr Buckingham, Mr. Dana and Mr. Elsworth—9. Whereupon Resolved, to nonconcur with the house in passing said resolution, and for the same the Governor & Council assign the following reasons, to wit: For that the number of actions in the Circuit Court of the description mentioned in the resolution has been much lessened by a law of the last session; and that for that by far the greatest number of suits in the Circuit Court are commenced against those who live south of Montpelier; and although it is believed, that at some future time it will be found expedient to have said Court holden at Montpelier, when it shall become more nearly the centre of population and business—Yet at present, it would too greatly increase the aggregate expense of suits in that Court to be justified. And for that no time for holding said Court in this State could be found attended with less inconvenience than the times now fixed by law, in May & October, and neither of which said Terms could be altered without altering both. And that for that an alteration of the terms in this State could not take place without an alteration of the terms of the same Court in the States of New York and Connecticut. There could therefore be no prospect of success should our Senators & Representatives be instructed to make said attempt.

Adjourned untill 9 O'clk Monday morning.

MONDAY November 7th, 1808, 9 o'clock A. M.

The Council met pursuant to adjournment.

The joint Committee on the bill Entitled "An act to extend the time of the completion and approbation of the Center Turnpike Road," reported that said bill ought to become a law, whereupon Resolved, That said bill do pass, and ordered that it be engrossed and sent to the General Assembly for their concurrence.

Received from the house of Representatives a bill Entitled "An act in behalf of the Sand-bar Turnpike Company," with this order thereon: "In General Assembly Novr. 5, 1808, This bill was brot in on motion and leave by Mr. F. Child, read & referred to the joint Turnpike Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their reference.

Received from the house of Representatives, a bill Entitled "an act relating to a land Tax on the town of Sherburne," with this order thereon: "In General Assembly Novr. 5, 1808, Read & recommitted to the Committee on the original bill, to join a Committee from Council. Attest M. Post Clerk," and the same being read, Ordered, That Mr. Chittenden join said Committee of the house.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit, "An act for the relief of Daniel Peasley;" "An act appointing a Committee to lay out a road from Lyndon to the narrows of Lake Memphremagog;" "An act to revive an act laying a tax on the town of Duxbury;" "An act to revive and continue an act Entitled an act laying a tax of three cents per acre on the town of Concord, passed the 30th day of October 1806;" "An act appointing a Committee to lay out a road from the Mouth of White river in Hartford to the Court House in Woodstock;" "An act to enable the Selectmen of Burlington to lease to Lyman King certain lands;" "An act to authenticate the proceedings of Jacob Davis as Collector of a Tax on the town of Milton;" "An act appointing a Committee to lay out a post road from Middlebury to Pittsford," and "An act incorporating a Company of Artillery in the town of Montpelier," and the said bills being severally read and considered, Resolved, To concur with the house in passing them into laws.

On motion of Mr. Lyon, Ordered, That Mr. Hatch join the Committee appointed by the house on the Petition of Asa Wheelock, [in place of Mr. Keyes] absent on leave.

The Committee on the bill Entitled "an act authorising and directing the surveyor General to procure certain papers and records therein named," reported that the same ought to be nonconcurred, and said bill being again read, the report was rejected, and on motion, Resolved, That it be recommended to the General Assembly to refer the consideration of this bill to the next session of the Legislature, and Ordered, That Mr. Chipman inform the house of the reasons of Council in recommending said reference.

An Engrossed bill, passed in the house of Representatives, Entitled "An act constituting and appointing a Company of Grenadiers in Bennington," was sent up for revision and concurrence or proposals of amendment, and being read, Resolved, To nonconcur with the house in passing said bill into a law, for the following reasons: Should this bill pass it would interfere with the power which by the third section of our Militia law is expressly vested in the field officers of every Regiment, to arrange the Militia within their limits into Companies, and the same to alter, whenever in their opinion the state of any of the companies shall require it. The exercise of this power by the Legislature at the instance of a few petitioners, without the knowledge of the field officers of the

Regiment, as is the case in the present instance, would have a tendency to create an invidious distinction unfavorable to the well ordering of our Militia.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act constituting a Company of Artillery in Williston," & "An act constituting an independent company of Artillery in the town of Rockingham," and being read, Resolved. To nonconcur with the house in passing said bills into laws for the following reasons, to wit: The passing of the two bills for independent companies of Artillery would materially injure and derange our military system. The Militia of this State are formed into Companies of Infantry, light infantry, artillery and Cavalry: The power of forming companies of light Infantry, Artillery and cavalry from the great body of the infantry is vested in the Generals of Brigades, and lest the Infantry should be too much weakened in forming select corps it is expressly declared, in the eleventh Section of our Militia act, that the companies of Artillery and Cavalry shall in no instance exceed the eleventh part of the Infantry. The Council are therefore of opinion, it would be unwise to innovate upon the present system, by particular and partial acts.

Received from the house of Representatives a bill Entitled an act for the regulation of the State's Prison and altering the punishment of crimes, recommitted by the house to the former joint Committee, in which recommittment the Governor and Council concurred.

The Committee on the bill Entitled "An act granting to Heman Allen the exclusive privilege of building a toll bridge across Missisquoi River," reported sundry amendments, which were adopted, and Resolved, To concur with the house in passing s^{d} bill into a law, with the proposals of amendments thereto annexed, and Ordered, That M^{r} Chipman inform the house of the reasons of Council in proposing said amendments.

Adj^{d} to 2 O'clk P. M.

2 O'clock P. M.—The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit: "An act laying a tax of two cents per acre on the town of Berkshire;" "An act directing an endorsement on a certain note payable to the State Treasurer;" "An act incorporating certain persons therein named by the name of the Poultney Manufacturing Company;" "An act granting certain privileges to the Fairhaven Turnpike Company," and "An act directing the Treasurer to pay Thomas Gustin the sum therein mentioned," and being severally read, Resolved, To concur with the house in passing said bills into laws.

Received from the house of Representatives a bill Entitled "An act for the relief of Silas Hathaway," with this order thereon: "In General Assembly Nov. 7, 1808, This bill was bro^{t} in on motion & leave by M^{r} Farnsworth, read & referred to Mess^{rs} Farnsworth, Edmond & Rich to join a Committee from Council. Attest M. Post Clerk," and the same being read, Ordered, That M^{r} Chittenden join said Committee of the house.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit: "An act directing the Treasurer to pay to Daniel Oatman the sum therein mentioned," and "An act directing the Treasurer to pay the sum therein mentioned," and being severally read & considered, Resolved, To nonconcur with the house in passing said bills into laws, for the following reasons, to wit: For that altho' the State's Attorney of Bennington County had a right to secure the said Counterfeit Bills, for the purpose of producing the same in evidence against the said James

Lynn on a trial of an indictment against him for passing the same, Yet this could not have prevented the said Oatman and the said —— —— from pursuing their legal remedy against the said Lynn, for the said State's Attorney would at any time have produced the said bills in Court as evidence on the part of the said Oatman and the said —— on request.

The Committee to whom was referred the bill Entitled an act in alteration of an act Entitled an act laying a road from Danville Court house in the County of Caledonia to the Court house in Guildhall in the County of Essex, reported that s[d] bill be amended by erasing the words "or any two of them," in the fourth line; which report was accepted, and, on motion, Resolved, To concur with the house in passing said bill into a law, with said proposal of amendment, and, Ordered, That M[r.] Dana inform the house of the reasons of Council in proposing the same.

Adjourned untill 9 O'clock Tomorrow morning.

Tuesday, November 8[th], 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the house of Representatives a bill Entitled an act directing the Treasurer to pay O. [Otway] Barker the sum therein mentioned, with this order thereon: "In General Assembly Nov. 7, 1808, This bill was brot in on motion and leave by M[r.] ——, read & referred to the joint Committee on the Petition of Sam[l] Frizzle &c. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

Received from the house of Representatives a written message as follows: "In General Assembly Nov. 7, 1808, Resolved, that this house do concur with the Governor and Council in their amendments to the following bills, viz. A bill Entitled "An act for the relief of Minott Farmer;" A bill Entitled "An act in alteration of an act Entitled an act incorporating certain persons therein mentioned by the name of the Hubbarton Turnpike Company," and A bill Entitled "An act in alteration of an act Entitled an act laying a County road from Danville Court house in the County of Caledonia to the Court house in Guildhall in the County of Essex," And the said bills have passed into laws. Extract from the Journals, Attest Martin Post Clerk."

An Engrossed bill, passed in the house of Representatives, Entitled "an act reviving an act Entitled an act establishing a Corporation by the name of the Boston & Montreal Turnpike Company &c." was sent up for revision & concurrence or proposals of amendment, read and amended by erasing in the 5[th] Section, 3[d] line, the words "Stafford Smith of Bethel," and inserting "Thomas Taylor of Wolcott," and then Resolved, To concur with the house in passing said bill into a law with said proposal of amendment, and Ordered, That M[r.] Chipman inform the house of the reasons of Council in proposing the same.

Received from the house of Representatives a bill, Entitled An act directing the Treasurer to pay the several sums therein mentioned, with this order thereon: "In General Assembly Nov. 8, 1808, Read and ordered to be recommitted to the joint Committee on Dan[l.] Staniford's account. Attest Martin Post Clk." and the same being read, Resolved, To concur with the house in their said recommittment.

On motion of M[r.] Lyon, Ordered, That M[r.] Fletcher join the Committee appointed by the house on the Petition for a new County, in the room of M[r.] Keyes absent on leave.

The Governor and Council took under consideration the Petition of John Fitch Jun[r.] praying to have a certain fine imposed upon him by the Supreme Court of Judicature remitted, and it appearing to the Governor and Council that the said fine has been settled by giving a

note for the same and the Judgment of the Court thereby satisfied, It is thereupon Ordered, That the Petitioner have leave to withdraw his Petition.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act appointing a Committee to lay out a County or Market Road from Derby to Guildhall;" "An act to repeal an act directing a suit for the purpose of ascertaining the validity of the charter of Wheelock, passed October Session 1807;" "An act empowering a Committee to lay out a certain County road therein mentioned;" "An act in addition to an act Entitled an act for the purpose of establishing an academy at Montpelier in the County of Caledonia;" "An act for the relief of Silas Remington of Rupert;" "An act in addition to an act appointing a Committee to lay out a road from the County road in Barton to the County road leading from Greensboro to Guildhall," and "An act granting a ferry to Ephraim Beardsley and Ebenezer Hatch," and said bills being severally read, Resolved, To concur with the house in passing them into laws.

An Engrossed bill, passed in the house of Representatives, Entitled "An act appointing a Committee to lay out a Post road from Hubbel's Falls on Onion River to the North line of Huntsburgh," was sent up for revision and concurrence or proposals of amendment; read and Ordered That it be referred to M^r. Willoby.

M^r. Hutchinson returned from the house the bill Entitled "an act to repeal an act Entitled an act laying a tax of two cents per acre on the township of Pittsfield, passed Nov. 5, 1807," and which the Council had passed, nonconcurred by the house, and after assigning the reasons for such nonconcurrence he withdrew. Whereupon, Ordered, That said bill lie on the table.

On motion, Resolved, that the Governor be requested to appoint Wednesday, the twelfth day of April next, to be observed as a day of public humiliation, fasting and prayer throughout this State.

The Committee to whom was referred the bill Entitled "an act appointing a Committee to lay out a post road from Hubbell's Falls, on Onion River, to the north line of Huntsburgh," reported that said bill ought to become a law, whereupon Resolved, To concur with the house in passing said bill into a law.

Received again from the house of Representatives a Memorial against the Directors of the State Bank, with this new order thereon: "In General Assembly Nov. 8, 1808, Read and ordered to be recommitted, and M^r. Rich added to the former joint Committee. Attest M. Post Clerk," and said order being read, Resolved, To concur with the house in said recommittment, and Ordered, that M^r. Fletcher be added to the former joint Com^ee.

Received from the house of Representatives a bill Entitled "An act providing for the purchase of fire arms for the Militia of this State," with this order thereon: "In General Assembly Nov. 8, 1808, Read & recommitted, for the purpose of filling up the blanks, to the former joint Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their recommittment.

Received from the house of Representatives a bill Entitled "An act granting relief to William Scott & John Spencer," with this order thereon: "In General Assembly Nov. 8, 1808, Read & referred to Mess^rs. L. Hall, Lynde and Norton, to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Ordered, That M^r. Langdon join the above Committee of the house.

An Engrossed bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay the several sums therein mentioned," was sent up for revision & concurrence or proposals of amendment, read & Resolved, To concur with the house in passing said bill into a law.

Adjourned to 9 O'clock on Wednesday morning.

WEDNESDAY November 9th, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee to whom was referred the bill Entitled "an act granting to Ebenezer Marvin Junr. the exclusive privilege of building a toll bridge across the Missisquoi River," reported sundry amendments, whereupon Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment thereto annexed, and Ordered, That Mr. Chipman inform the house of the reasons of the Council in proposing said amendments.

Received from the house of Representatives the following resolution: "In General Assembly Nov. 7, 1808, Resolved, the Governor and Council concurring herein, that both houses meet in joint Committee in the Representatives' room, on Wednesday next at two O'clock P. M. for the purpose of electing thirteen Directors of the Vermont State Bank for the year ensuing. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house therein, with this proposal of amendment, erase "Wednesday next at 2 O'clock P. M." & insert "Thursday next at 10 O'clock A. M."

Received from the house of Representatives a bill Entitled "An act for the relief of Nathl Bosworth Junr." with this order thereon: "In General Assembly Nov. 8, 1808, This bill was brot in on motion & leave by Mr. Knapp—Nov. 8th, read & referred to Messs. J. Dana, Eddy & Putnam to join a Committee from the Council. Attest M. Post Clerk," and the same being read, Ordered, that Mr. Fletcher join said Committee of the house.

Received from the house the following written messages: "In General Assembly Nov. 8, 1808, Resolved to concur with the Governor and Council in their amendments to the bill "granting to Heman Allen the right of building a toll bridge over Missisquoi River," and the bill "reviving an act establishing a Corporation by the name of the Boston & Montreal Turnpike Company." And the bills as amended have become laws of this State. Extract from the Journals, Attest Martin Post Clerk."

"In General Assembly Nov. 8, 1808, Resolved that this house concur with the Governor & Council in passing into a law the bill Entitled "An act to extend the time of the completion and approbation of the Centre Turnpike road." Extract from the Journals, Attest Martin Post Clerk."

Received from the house of Representatives a bill Entitled "an act laying a tax on Deweysburgh," with this order thereon: "In General Assembly Nov. 8, 1808, Read and recommitted to the second joint land tax Committee. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said recommittment.

Received from the house a bill Entitled "An act directing the Treasurer to pay Jesse Heath the sum therein mentioned," with this order thereon: "In General Assembly Nov. 9, 1808, This bill was brot in on motion & leave by Mr. Heath, read and referred to the joint Committee of Claims. Attest M. Post Clerk," and the same being read, Resolved, To concur with the house in their said reference.

On Motion, Mr. Miller obtained leave to introduce a bill Entitled "An act in explanation of an act Entitled an act for the limitation of suits on penal statutes &c." and being read, Ordered, That it be referred to Mr. Chipman & Mr. Langdon.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit, "An act assessing a tax of one cent on the dollar on the list of the present year," [State tax;] "An act enabling Lyman Bridge Corporation to hold certain lands;" "An act directing the Treasurer to credit the first Constable of Rochester the sum therein mentioned;" "An act discharging the town of Warren from the payment of certain State taxes;" "An act establishing and giving validity to a certain book of records of the town of Vershire," and "An act providing for the regulation of the State Prison and altering the punishment of crimes," and said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

On motion of Mr. Dana, Resolved, The house of Representatives concurring herein, that both houses meet in joint Committee in the Representatives' room on Thursday morning next at ten O'clock, for the purpose of electing a Chief Judge of the County Court within & for the County of Essex, for the year ensuing, in the room of Haines French Esqr. who declines accepting his appointment to said office, and also to elect an Auditor of accounts against the State.

Mr. Pratt, a Member of the General Assembly, returned from that body the bill Entitled "An act directing the Treasurer to pay Daniel Oatman the sum therein mentioned," which was nonconcurred by the Governor & Council on the 7 Inst. with this order of the house thereon: "In General Assembly Nov. 9, 1808, Read & passed & ordered to be sent to the Governor & Council for their revision & concurrence or proposals of amendment, and that Mr. Pratt return the same & assign the reasons of the house. Attest M. Post Clerk," and Mr. Pratt, after assigning the reasons of the house for insisting upon the passing of said bill, withdrew.

Mr. Chipman to whom was referred the bill Entitled "An act granting to Joseph Robinson & others the exclusive privilege of erecting a toll bridge across Missisquoi River in Swanton," reported an amendment, whereupon, Resolved, To concur with the house in passing said bill into a law with the proposal of amendment thereto annexed, and Ordered, That Mr. Chipman inform the house of the reasons of the Governor & Council in proposing the same.

An Engrossed bill Entitled "An act appointing a Committee for the purposes therein mentioned," passed in the house of Representatives, was sent up for revision &c. & being read, Ordered, That it be referred to Mr. Hatch & Mr. Chittenden.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The following Engrossed bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, viz. "An act to revive an act laying a tax of two cents per acre on the town of Hardwick;" "An act exempting the Manufactory of William Trotter from taxation;" "An act directing the Treasurer to pay to Asa Bulkley the sum therein mentioned;" "An act appointing a place for the meeting of the Electors of President and Vice President of the United States;" "An act directing the Auditor of Accounts to audit an account of Thomas Tolman;" "An act in addition to an act incorporating & establishing an Academy in Dorset;" "An act to enable the Proprietors and Land owners of the Township of New Huntington to divide their lands into severalty;" "An act directing the Treasurer to pay Freeman Vining the sum therein mentioned," and "An

act directing the Treasurer of the State of Vermont to pay Amherst Willoby & Abijah Stone the sums therein mentioned." and being severally read & considered, Resolved, To concur with the house in passing said bills into laws.

Received from the house the following resolution: "In General Assembly Nov. 9, 1808, Resolved that a Com^e^ of three members be appointed from the house, to join such Committee as the Governor & Council may appoint, to take into consideration the expediency of procuring a bell and other furniture for the State House, and the expediency of painting said house, and appointing a Surveyor of the public buildings in Montpelier, and also the procuring maps of this State for the use of the Legislature, and report by bill or otherwise—Members chosen, Mess^rs^ Olin, Cameron & Ware. Extract from the Journals, Att. M. Post Clk." and the same being read, Ordered, That M^r^ Chipman join the Committee from the house on the foregoing resolution.

The joint Committee on the bill Entitled "An act in explanation of an act for the limitation of suits on penal statutes &c." reported an amendment to be made to said bill, which was adopted, and thereupon Resolved, That said bill pass, and Ordered that the same be Engrossed and sent to the General Assembly for their revision & concurrence.

Received from the house of Representatives a bill Entitled "An act designating what fees shall be allowed the President and Directors of the Vermont State Bank," with this order thereon: "In General Assembly Nov. 7, 1808, This bill was bro^t^ in on motion & leave by M^r^ Luce, read and referred to Mess^rs^ Luce, Morris & Linsley to join a Committee from Council. Attest M. Post Clerk," and the same being read, Ordered, That M^r^ Buckingham join the above Com^ee^ of the house.

An Engrossed bill, passed in the house of Representatives, Entitled "An act laying a land tax of two cents per acre on the town of Newark," was sent up for revision &c. read & Resolved, That it be recommended to the General Assembly to refer the consideration of said bill to the next session of the Legislature, and Ordered, That M^r^ Chipman inform the house of the reasons of the Governor & Council for proposing said reference.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act laying a tax of two cents per acre on the town of Burke;" "An act for the relief of Stephen Woodward;" "An act extending the time & directing the mode of collecting the cent tax on the town of Enosburgh," and "An act establishing a Corporation, by the name of the Stratton Turnpike Company," and being severally read, Resolved, To concur with the house in passing the same into laws.

An Engrossed bill, passed in the house of Representatives, Entitled "An act confirming the proceedings of the Selectmen of Barnet in assessing the State prison tax on said Town," was sent up for revision &c. read & Resolved, To nonconcur with the house in passing said bill into a law, and Ordered, That M^r^ Chipman inform the house of the reasons of the Governor & Council for their said nonconcurrence.

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY, November 10^th^, 1808, 9 O'clock A. M.

The Council met pursuant to adjournment.

Received from the house the following written message: "In General Assembly Nov. 9, 1808, Resolved, that this house concur with the Governor and Council in their amendment to the bill Entitled "An act in-

corporating certain persons therein named by the name of the Swanton Missisquoi Bridge Company," and a bill Entitled "An act incorporating certain persons therein named by the name of the Swanton [Sheldon] Missisquoi Bridge Company." And the said bills have passed into laws. Also Resolved, to concur with the Governor & Council in their resolution appointing Thursday morning at ten o'clock for the two houses to meet in joint Committee for the purpose of electing a Chief Judge of the County Court in the County of Essex, in the room of Haines French declined, and an Auditor of accounts against the State. Also, Resolved, to concur with the Governor & Council in their amendment to the resolution appointing a time for the two houses to meet in joint Committee for the purpose of electing Directors of the Vermont State Bank for the year ensuing. Extract from the Journals, Attest Martin Post Clerk."

The Council again took under consideration the bill Entitled "An act directing the Treasurer to pay Daniel Oatman the sum therein mentioned," and on motion, Resolved, That it be recommended to the General Assembly to refer the further consideration of this bill to the next session of the Legislature, and Ordered that Mr. Chipman inform the house of the reasons of the Governor and Council for proposing said reference.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act empowering the proprietors of Lutterloh to complete the survey of said town;" "An act granting to Elias Buel the sum therein mentioned;" "An act directing the Treasurer to pay James D. Butler and Johnson Richardson the sums therein mentioned;" "An act freeing the Hartford Manufacturing Company from assessment or taxes;" "An act to provide for the collection of the State prison tax on Tunbridge Gore," and, "An act annexing part of the town of Huntington alias New Huntington to the town of Bolton," and said bills being severally read and considered, Resolved, To concur with the house in passing them into laws.

Received from the house the following resolution, viz. "In General Assembly Nov. 7, 1808, Resolved, the Governor and Council concurring herein, that both houses meet in the Representatives' room at twelve O'clock A. M. on Thursday next, for the purpose of adjourning the General Assembly without day; read & adopted. Extract from the Journals, Att. M. Post Clerk," and the same being read, Ordered, That said resolution be referred to Mr. Hatch to enquire and make report at what time the General Assembly can safely adjourn without public detriment, who reported tomorrow morning at 10 O'clock; adopted, whereupon Resolved, To concur with the house in said resolution as amended, & Ordered, That Mr. Chipman inform the house of the reasons of the Governor & Council in postponing the same.

On motion Mr. Dana obtained leave to introduce a bill Entitled "An act in addition to an act assessing a tax of seven mills on each acre of land in the County of Essex, passed Nov. 6th, 1807," and the same being read, Resolved, That said bill do pass, and ordered, that the same be Engrossed and sent to the General Assembly for their concurrence.

The Committee on the bill Entitled "an act appointing a Committee for the purposes therein mentioned," reported that said bill ought not to pass, whereupon Resolved, To nonconcur with the house in passing said bill into a law for the following reasons, to wit, For that the Committee appointed to superintend the expenditure of said tax have not advertised the same agreeably to law, having notified the proprietors to work out half of the tax the last season, and the other half the next season, whereas the law required said Committee to notify the proprie-

tors to work out the whole of their tax the last season. It would therefore be of no use to pass this act.

Pursuant to the concurrent resolution of both houses, the Governor & Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of Electing the Directors of the State bank and the Auditor of accounts against the state for the year ensuing, and also a Chief Judge of the County Court of Essex County, in the room of Haines French declined, and after having completed the election of the Directors of the State Bank, the joint Committee was adjourned untill three o'clock P. M. and the Governor & Council returned to their Chamber and adjourned to 2 O'clk P. M.

2 O'clock P. M.—The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit, "An act supplementary to an act Entitled an act incorporating a Company of Artillery in Montpelier;" "An act extending the time for completing the Sand-Bar Turnpike;" "An act reviving an act laying a tax on Moretown;" "An act in addition to an act establishing the Passumpsick Turnpike Company;" "An act to revive an act laying a tax of three cents per acre on the town of Hopkinville, passed 31st October 1806;" "An act making compensation to the Directors of the [State] Bank;" "An act for the relief of the Administrators of Jonathan Parker Esquire deceased;" "An act directing the State Printer to publish the rules of discipline and laws regulating & governing the Militia of this State;" "An act directing the Treasurer to pay Samuel Frizzle the sum therein mentioned," and "An act directing the Treasurer to pay the sums therein mentioned," and being severally read and considered Resolved, To concur with the house in passing said bills respectively into laws.

Received from the House of Representatives the following resolution, to wit, "In General Assembly Nov. 10, 1808, Resolved, the Governor & Council concurring therein, that both houses meet in joint Committee at half past three O'clock this afternoon, for the purpose of electing five persons for Visitors of the State Prison. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved To concur with the house therein.

An Engrossed bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Westmore," was sent up for revision &c. read, & on motion Resolved, That it be recommended to the house to refer the further consideration of this bill to the next session of the General Assembly, and Ordered, That Mr. Chipman inform the house of the reasons of the Governor & Council in proposing said reference.

An Engrossed bill, passed in the house of Representatives. Entitled "An act directing the Treasurer to pay Elisha King & Thomas Remington the sums therein mentioned," was sent up for revision & concurrence or proposals of amendment, read & on motion Resolved, That it be recommended to the house to refer the further consideration of this bill to the next session of the General Assembly, and ordered that Mr. Chipman inform the house of the reasons of the Governor and Council in proposing said reference.

An Engrossed bill passed in the house of Representatives Entitled "An act in addition to an act Entitled an act to provide for the compilation & printing of the laws of this State, passed Octr. 26, 1807," was sent up for revision & concurrence or proposals of amendment, read, amended & on motion, Resolved, To concur with the house in passing said bill into a law with these proposals of amendment: after the words "one copy" 1st line 2nd page, insert "in full compensation for their ser-

vices, by their assent," & erase after the said words "one copy" to the word "And" in the sixth line, same page; and Ordered, That Governor Brigham inform the house of the reasons of the Governor & Council in proposing said amendments.

Pursuant to adjournment & also pursuant to the concurrent resolution of both houses, the Governor & Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of Electing a Chief Judge of the County Court for Essex County in the room of Haines French declined, An auditor of accounts against the State for the year ensuing, and Five Visitors of the State Prison, and [having] completed the same, the joint committee was dissolved and the Governor & Council returned to their Chamber and resumed the consideration of business before them.

Mr. Hutchinson, from the house, returned the bill Entitled "An act in addition to an act Entitled an act to provide for the compilation & printing of the laws of this State, passed Oct. 26th, 1807," to which the Governor & Council had made certain proposals of amendment, with this order thereon: "In General Assembly Nov. 10, 1808, Read & resolved to nonconcur with the Governor & Council in the amendments to this bill, and Mr. Hutchinson appointed to return the bill & assign the reasons to the Council. Attest M. Post Clerk," and after assigning the reasons, Mr. Hutchinson withdrew, Whereupon, on motion Resolved, To rescind from the said proposals of amendment, and to concur with the house in passing said bill into a law.

The Debenture of the Lt. Governor & Council was read and passed as follows, to wit—

	Miles Travel.	Amount of Mileage.	Days Attendance.	Amount of Attendance.	Whole Amount.
Paul Brigham Lt. Govr.	50	6 —	30	120 —	126 —
Elias Keyes	42	5 04	24	36 —	41 04
Chauncey Langdon	72	8 64	26	39 —	47 64
Daniel Chipman	56	6 72	30	45 —	51 72
Solomon Miller	30	3 60	28	42 —	45 60
Zerah Willoby	43	5 16	30	45 —	50 16
Asa Lyon	64	7 68	30	45 —	52 68
Samuel Fletcher	100	12 —	23	34 50	46 50
Reuben Hatch	72	8 64	30	45 —	53 64
Jedediah P. Buckingham	42	5 04	25	37 50	42 54
Daniel Dana	78	9 36	30	45 —	54 36
John Elsworth	33	3 96	30	45 —	48 96
Noah Chittenden	30	3 60	30	45 —	48 60
William Page Junr. Secy.	62	7 44	29	72 50	79 94
Joseph Armington Sheriff	38	4 56	30	45 —	49 56
Old Council———					
Asaph Fletcher	70	8 40	2	3 00	11 40
Samuel Shepardson	120	14 40	2	3 —	17 40
Samuel Shaw	80	9 60	2	3 —	12 60
Nathaniel Niles	36	4 32	2	3 —	7 32
Ebenezer Wheelock	70	8 40	2	3 —	11 40
Beriah Loomis	39	4 68	2	3 —	7 68
Josiah Wright	160	19 20	2	3 —	22 20
Ezra Butler	12	1 44	2	3 —	4 44
Rollin C. Mallary Secy.	80	9 60	3	7 50	17 10
					950 48

On Motion, Ordered, That Mr. Willoby be a Committee to receive the Debenture of the Lt. Governor & Council.

Received again from the house the bill Entitled "An act to establish the proceedings of Rufus Flint first Constable of the town of Braintree," with this order thereon: "In General Assembly Nov. 10, 1808, read & recommitted. Attest M. Post Clk." and the same being read, Resolved, To concur with the house in their said recommittment.

Adjourned untill 8 O'clk Tomorrow morning.

Friday November 11th, 1808, 8 O'clock A. M.

The Council met pursuant to adjournment.

The following Engrossed bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, to wit, "An act establishing a Corporation by the name of the Strafford Turnpike Company;" "An act laying a tax of three cents per acre on Deweysburgh;" "An act appointing a Surveyor of the Public buildings of this State in Montpelier;" "An act to remedy a mistake made in the lists of the present year;" "An act authorising the Sheriff of Caledonia County to procure a suitable guard to secure State Prisoners in the Common Goal in Danville;" "An act appointing a Committee to alter a certain road therein mentioned;" "An act in addition to and alteration of an act appointing a Committee to lay out a County road from the South end of Lake Memphremagog through the County of Orleans to the South line of Elmore;" "An act directing the Treasurer to pay Alexander Hutchinson the sum therein mentioned;" "An act making the necessary appropriations for the support of government during the present session and for other purposes;" "An act designating what fees shall be allowed the President and Directors of the Vermont State Bank;" "An act to enable the first constable of Barnet to collect the State Prison tax;" "An act relating to the Tax on Deweysburgh," and "An act for the relief of Rufus Flint," and the same being severally read & considered, Resolved, To concur with the house in passing them respectively into laws.

On Motion Resolved, the General Assembly concurring herein, that the unfinished business remaining at the close of the present session of the Legislature before both houses be referred to the next session of the General Assembly, then to be taken up and acted upon anew in the house of Representatives.

On motion, Mr. Langdon obtained leave to bring in a bill Entitled "An act for the relief of Arunah W. Hyde," and the same being read, Resolved, That said bill do pass, & ordered that it be sent to the house for their concurrence.

Received from the house the following written message: "In General Assembly Nov. 10, 1808, Resolved that the house concur with the Governor & Council in passing the bill Entitled "An act in explanation of an act for the limitation of suits on penal statutes &c." and the bill Entitled "An act in addition to an act assessing a tax of seven mills on each acre of land in the County of Essex," and the said bills have become laws of this State. Extract from the Journals, Attest Martin Post Clerk."

On motion, Mr. Lyon obtained leave to introduce a bill Entitled "An act explaining an act assessing a tax on all the lands in this State, for the purpose of erecting a State Prison," and the same being read, Resolved, That the same do pass, and ordered that the same be sent to the house for their concurrence.

On motion, Mr. Dana obtained leave to introduce a bill Entitled "An act in addition to an act Entitled an act assessing a tax on the County of Essex, passed Nov. 5, 1806," and the same being read, Resolved, That said bill do pass, and ordered, that the same be sent to the house for their concurrence.

On motion of Mr. Chipman, Resolved, The house of Representatives concurring herein, that the State Printer be and he is hereby directed to deliver to the Reverend Tilton Eastman Fifty copies of his Election Sermon, and the Auditor of accounts is hereby directed to audit the account for the same and draw an order on the Treasurer therefor. Ordered, That the above resolution be sent to the house for their concurrence.

Received from the house the following resolution, viz. "In General Assembly Nov. 11, 1808, Resolved, the Governor & Council concurring herein, That his Excellency the Governor of this State be and he is hereby requested to make such communications to the Supreme Executives of the Province of Lower Canada as in his opinion will be most likely to obtain the legislative aid of the Province to remove and disperse or otherwise punish that band of Counterfeiters which infests the Southern borders thereof and are constantly preying upon the property of the good Citizens of this and the United States. Read, adopted & ordered to be sent to the Governor and Council for their concurrence. Extract from the Journals, Attest M. Post Clerk," and the same being read, Resolved, To concur with the house therein.

Mr. N. Chipman, member of the house, returned to the Council the bill Entitled "an act for the relief of Arunah W. Hyde" with a proposal of amendment made thereto by the house, in which the concurrence of the Council was requested, and the same being read, Resolved, To concur with the house in their proposed amendments. Ordered, That the Secretary inform the house of the same.

An Engrossed bill passed by the house of Representatives Entitled "An act directing the Treasurer of this State to loan Parley Davis the sum therein mentioned," was sent up for revision &c. and being read, on motion, Resolved, To nonconcur with the house in passing said bill into a law, and Ordered That Mr. Chipman inform the house of the reasons of the Governor & Council for said nonconcurrence.

Received from the house of Representatives the following written message, to wit, "In General Assembly Nov. 11, 1808, Resolved that this house concur with the Governor & Council in passing the bill Entitled "An act explaining an act assessing a tax of one cent per acre on all the lands in this State for the purpose of erecting a State Prison," and a bill Entitled "An act in addition to an act assessing a tax on the County of Essex, passed Nov. 5, 1807;" also Resolved to concur with the Governor & Council in their amendments to the bill Entitled "An act incorporating the Burlington Fire Society." Also, Resolved to concur with the Governor & Council in adopting the resolution directing the State Printer to deliver the Revd Tilton Eastman fifty copies of his Election sermon &c.—and also in the amendment proposed by the Governor & Council to the resolution for adjourning the Legislature without day. Extract from the Journals, Attest Martin Post Clerk."

Received from the house the following resolution, viz. "In General Assembly Nov. 11, 1808, Resolved, the Governor and Council concurring herein, that the Treasurer pay to James Topliff twenty dollars, being a mistake in his debenture as a member of the General Assembly. Read & adopted. Attest M. Post Clk." and the same being read, Resolved, To concur with the house therein.

Mr. T. Hutchinson, from the house, appeared in the Council Chamber

and informed the Governor & Council that the house having finished the business before them were now ready to meet the Governor & Council in the Representatives' room for the purpose of adjourning the General Assembly without day, & withdrew. The Governor & Council immediately proceeded to the Representatives' room, for the above purpose, and, after an appropriate prayer by the Rev^{d} M$^{r.}$ Wright, the Chaplain, the Sheriff of Caledonia County, by order of his Excellency the Governor, by public proclamation adjourned the General Assembly without day. A true Journal,

Attest WILLIAM PAGE J$^{r.}$ *Sec^{y}.*

THIRTY-THIRD COUNCIL.

OCTOBER 1809 TO OCTOBER 1810.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

BERIAH LOOMIS, Thetford,	GILBERT DENISON, Guilford,
NOAH CHITTENDEN, Jericho,	SAMUEL C. CRAFTS, Craftsbury,
ELIAS KEYES, Stockbridge,	HAINES FRENCH, Maidstone,
JOSIAH WRIGHT, Pownal,	HORATIO SEYMOUR, Middlebury,
EZRA BUTLER, Waterbury,	WILLIAM HUNTER, Windsor,
FREDERICK BLISS, Georgia,	APOLLOS AUSTIN, Orwell.

WILLIAM PAGE, Jr., *Secretary* until Oct. 14.
ROLLIN C. MALLARY, Castleton, *Secretary* from Oct. 14.
ISRAEL P. DANA, Danville, *Sheriff.*

BIOGRAPHICAL NOTICES.

FREDERICK BLISS settled in Georgia in 1786, and represented that town in the General Assembly of 1819. He was Assistant Judge of Franklin County Court 1804 until 1813, and 1815 until 1818; Judge of Probate 1813; Delegate in the Constitutional Convention of 1814; and Councillor 1809 until 1813, and 1815 until 1819. "He was the peace-maker of the town, the arbiter of all difficulties, and the promoter of every good cause. He was not ambitious of wealth or honors, yet both came to him to his heart's content. He died childless, Nov. 8 1827, aged 65 years."—*Vt. Hist. Mag.* Vol. II, article "Georgia;" and Deming's *Catalogue.*

GILBERT DENISON represented Guilford in the General Assembly 1805 until 1809; was Judge of Probate 1806 until 1811, and in 1816; Sheriff of Windham County 1811 and '12; Assistant Judge 1817 until 1820; and Councillor 1809 until 1812.—Deming's *Catalogue.*

Samuel Chandler Crafts was born in Woodstock, Conn., Oct. 6 1768, son of Col. Ebenezer Crafts ; graduated at Harvard University in 1790, and in 1791 settled in Craftsbury. He was the Clerk of that town 1799 until March 1829, thirty years ; Delegate to the Constitutional Convention in 1793, being the youngest member in that body, and again in 1829, and was its President; Representative of Craftsbury in the General Assembly 1796, 1800, 1801, 1803, and 1805; Clerk of the House 1798 and 1799 ; Councillor 1809 until 1813, and again in 1825 and '6 ; Assistant Judge of Orleans County Court 1800 until 1810 ; Chief Judge 1810 until Dec. 1816, and again 1825 until 1828 ; Clerk of the Courts 1836 until 1838 ; Register of Probate 1796 until 1815 ; Member of Congress 1817 until March 1825 ; Governor 1828 until 1831 ; United States Senator Dec. 1842 until March 3 1843 ; and Presidential Elector in 1840. "In June 1802, while there were but few log huts on the site of the present city of Cincinnati, he commenced a tour of observation to the lower Mississippi, and, in company with Michaux the younger, made a botanical reconnoissance of the Valley of the Great West in canoes and arks." He had the confidence of the people of Vermont to as large a measure as any other public man, was modest and unassuming in deportment, and active in every good work, serving for many years as an officer of State Benevolent Societies. He died Nov. 19 1853.—Drake's *Dictionary of American Biography;* Deming's *Catalogue.*

Maj. Haines French (son of John French, who came from Walpole, N. H., to Maidstone previous to 1774, and brother of John French, who was a captain in the continental army,) was born about the year 1760, and at the age of fifteen became a servant to Maj. Whitcomb of the revolutionary army,[1] and was with him at the siege of Quebec under Montgomery, when he became a prisoner of war. In the winter of 1813, through Congressman James Fisk, he obtained a commission as Major in the 31st Regiment, U. S. Infantry, in the division of Maj. Gen. Wade Hampton, and he entered upon the service with three of his sons, one of whom (Homer) was killed in the battle of Chippewa. Maj. French died previous to that event, having, on the march, been stopped at Chateaugay Four Corners, N. Y., by an illness which proved fatal about the middle of November 1813. He had not the advantages of even a district school, and was taught to write by his wife after mar-

[1] Whitcomb (probably Benjamin Whitcomb) asserted that, on orders from Washington to shoot a British General, in retaliation for the wanton massacre of Americans by British Indians and their officers, he went from Ticonderoga into Canada and shot Gen. Gordon, receiving a Major's commission therefor. For Whitcomb's account, related by him in his last sickness to David Goodall Esq. of St. Johnsbury, see *Vt. Historical Magazine*, Vol. I, p. 1065. As related the affair was extraordinary, but the editor of this volume remembers no confirmation of it.

riage ; but he was a great reader and acquired much valuable information, which, with his good sense and experience in the Legislature and the Courts, made him a useful man. He represented Maidstone in the General Assembly 1793 and '4, 1796 and '7, and 1802 until 1808, and was a Delegate in the Constitutional Convention of 1793. He served as Clerk of Essex County Court 1802 until 1813 ; and was Councillor 1809 and '10. He was elected Chief Judge of the County Court in 1808, but he declined to serve.—*Vt. Hist. Mag.* Vol. I, p. 1039 ; and Deming's *Catalogue.*

Horatio Seymour, LL. D., was born in Litchfield, Conn. May 31 1778, graduated at Yale College in 1797, came to Middlebury 1799, and was admitted to the bar in 1800, soon winning an extensive practice. He was State's Attorney for Addison County 1810 until 1813, and again 1815 until 1819 ; Judge of Probate 1847 until 1856 ; and Councillor 1809 until 1814. In 1820 he was elected U. S. Senator, and was re-elected in 1826, serving from March 1821 to March 1833. His election in 1826 was very zealously contested by Cornelius P. Van Ness, who felt his defeat keenly, charged it to the interference of John Quincy Adams, whose administration he then abandoned, and, so far as he could do so, transferred his friends over to the then Jackson party, of which he became the chief in Vermont. Mr. Seymour died Nov. 27 1857. For his portrait, see Swift's *History of Middlebury.—Vt. Hist. Mag.* Vol. I, p. 59 ; Deming's *Catalogue ;* and Walton's *Vermont Register.* See also, as to Gov. Van Ness, *Vt. Hist. Mag.* Vol. I, pp. 612 and 613.

William Hunter represented Windsor in the General Assembly 1795, 1807 and '8; was Councillor 1809 until 1813, and in 1815; Member of Congress March 1817 to March 1819; Register of Probate 1798 until 1801; Judge of Probate 1801 and '2; Assistant Judge of the County Court 1805 until 1816; and member of the Council of Censors in 1806 and 1820.—Deming's *Catalogue.*

Apollos Austin represented Orwell in the General Assembly in 1819; served as Councillor one year only; was a member of the Council of Censors in 1806, and Presidential Elector in 1816 and 1828. He was an ardent politician (though rarely in office) of the Jeffersonian school, offered of his abundant wealth to discharge the fine of Matthew Lyon under the sedition act, and voted for Monroe in 1816, and John Quincy Adams in 1828.—Deming's *Catalogue;* and *Vt. Legislative Directory* for 1876-7. See Vol. IV, pp. 494–496, note.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1809.

State of Vermont ss. Journal of the proceedings of the Governor and Council of the State of Vermont begun & holden at Montpelier on the Second thursday of October (being the twelfth day of said month) pursuant to the laws & Constitution of this State A. D. 1809: Present, His Excellency Isaac Tichenor Esquire Governor; His Honor Paul Brigham Esquire Lieutenant Governor; Of the Council The Hon^{ble} Elias Keyes, Chauncey Langdon, Solomon Miller, Zerah Willoby, Asa Lyon, Samuel Fletcher, Reuben Hatch, Daniel Dana, John Ellsworth & Noah Chittenden Esquires. William Page J$^{r.}$ Secretary; Israel P. Dana Esquire Sheriff of Caledonia County.

M$^{r.}$ Leland [Aaron Leland] from the house, a member thereof, appeared in Council and informed the Governor & Council that the House had organized and were ready to Proceed on the business of their meeting. Ordered, On motion, that the Secretary inform the House that a quorum of the Council are formed, [and] that they are now ready to proceed to business.

On Motion, Resolved, that the Governor and Council proceed to the appointment of a Committee of Seven to receive, sort & Count the votes for the Governor & L$^{t.}$ Governor & Treasurer & Councillors. Members Chosen, Messrs. Hatch, Langdon, Keyes, Chittenden, Miller, Lyon & Dana were chosen and sworn.

Rec^{d} from the House the following Resolution, Viz. "In General Assembly Oct. 12^{th,} 1809, Resolved that a Committee of three members from each County be appointed to Join such Committee as the Governor and Council may appoint to receive, Sort and Count the votes for Governor, L$^{t.}$ Governor, Treasurer, and Councillors for the Year ensuing, and report to the General Assembly as soon as may be. Read & adopted. Gentlemen Chosen were Messrs. Graves, Pratt & Henry; May, Knight & Leavitt; P. Smith, Hendee & J. Clark; Hutchinson, Hatch, Clapp; Olin, Edmond, C. Rich; Chase, Stacy; Barney, Corse, Bostwick; Griswold, Cahoon, Fifield; Littlefield, Farnsworth, Holmes; [Royal] Corbin, Thomas Taylor, Baxter; Ingham, Foot, M. Rich; A. Hall, Borden & Sowles. Attest M. Post Clerk."

Adj^{d} to 4 o'clock P. M.

4 O'clock P. M.—The Council met pursuant to adj$^{t.}$

M$^{r.}$ Hutchinson from the House informed the Governor and Council that the General Assembly were convened and ready to meet the Governor and Council in the Representatives' room for the purpose of hearing the report of the Committee appointed to receive, sort & Count the Votes for Governor, L$^{t.}$ Governor, Treasurer, & Councillors for the Year ensuing. The Governor and Council accordingly pro-

ceeded to the Representatives' room when the following report was Produced by said Committee & read:

To the Hon. the Gen[l] Assembly now sitting—The Committee appointed to receive, sort & Count the Votes for Governor, L[t] Gov. Treasurer & Councillors for the year ensuing, do report & declare that the Honorable Jonas Galusha Esquire is elected Governor; that His Honor Paul Brigham Esquire is Elected L[t.] Governor; Benjamin Swan Esquire is Elected Treasurer; And that the Honorable Elias Keyes, Ezra Butler, Gilbert Dennison, Horatio Seymour, Appollos Austin, Beriah Loomis, Noah Chittenden, Frederick Bliss, Samuel C. Crafts, Josiah Wright, William Hunter & Haines French Esquires were elected Councillors for the Year ensuing. Montpelier 12[th] October 1809.

E. KEYES *for Committee.*

And Said Report being read, the Sheriff of Caledonia County, by the Direction of His Excellency the Governor, made Public Proclamation of the Same and the Governor & Council returned to their Chamber & adjourned to 9 O Clock tomorrow morning.[1]

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[1]From *Spooner's Vermont Journal* of Oct. 23 1809:

MONTPELIER, Oct. 13.

On Thursday last, the General Assembly of Vermont convened in this town. About eleven o'clock a procession was formed near the Academy, in the following order: The Artillery Company, commanded by Capt. [Isaac] Putnam; the 2d Light Infantry Company, commanded by Captain Palmer; the 1st do. commanded by Captain [Jeduthun] Loomis; the citizens; the Governor and Council; the Rev. Clergy; Members of the House, and Judges of the Supreme Court; from whence they proceeded to the State-House, where an appropriate discourse was delivered by Elder *Sylvanus Haynes*, of Middletown, from Prov. xiv. 24. *Righteousness exalteth a nation, but Sin is a reproach to any people.* Soon after the exercises, the result of the election was declared.

VOTES FOR GOVERNOR.

Counties.	*Galusha.*	*Tichenor.*	*Scattering.*
Addison	1362	1392	48
Bennington	1338	1000	63
Caledonia	1124	1127	34
Chittenden	1040	1271	36
Essex	130	206	2
Franklin	962	1213	37
Grand Isle	94	289	5
Orange	1754	1274	57
Orleans	341	415	6
Rutland	2482	1589	94
Windham	1195	2327	33
Windsor	2761	1364	83
Totals,	14583	13467	498

Majority for Galusha 618.

The artillery company, referred to above, was incorporated Nov. 7, 1808, by the name of the Washington artillery. Its members consisted entirely of persons who, except by enlistment in this company, were exempt from military duty. The company was subject to the orders of the governor, required to muster on the second Thursday of October annu-

Friday Oct. 13th, 1809, 9 OClock A. M.

Present in Council His Honor Paul Brigham Esqr. Lt. Gov. Of the Council, The Hon. Elias Keyes, Noah Chittenden, Beriah Loomis, Ezra Butler, Frederick Bliss, Josiah Wright & William Hunter Esquires. William Page Jr. Secretary; Israel P. Dana Sheriff. The above members of Council with His Honor the Lt. Governor were severally sworn to the faithful discharge of their respective offices by the Honorable Chief Justice.

Ordered, That the Secretary notify the absent members of their election and request their attendance on Council as soon as may be.

Ordered, That the Secretary inform the House that a quorum has formed, & that they are ready to proceed to business.

Adjourned to 2 OClock P. M.

2 OClock P. M.—Recd from the House the pet. of Jonathan Whitney & others for a *new town* to be made from Tunbridge, Bethel, Randolph & Royalton, with this order thereon: In Gen. Assembly Oct. 13th, 1809. Read & referred to Messrs Clapp, Dana A. Robinson, Bass & J. Parker to join a Commee from Council. Attest M. Post Clerk, and being read it was Resolved to join the above Comee and Mr. Keyes was appointed.

Recd from the House the Petition of Elias Keyes "Praying the Legislature to take his turnpike Stock and Pay him interest for the same at the rate of Six Pr Ct." with this order of the House thereon: In Gen. Assembly Oct. 13th, 1809. Read & referred to Mess Jacob Smith, Linsley, P. Smith, Walbridge & Chamberlin, to join a Committee from

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ally, being "election day," and to elect its officers on the succeeding Monday, when the governor reviewed the company, making a brief speech usually, and delivered commissions to the new officers. On the proclamation of the election of state officers, the governor, lieutenant governor, and treasurer were saluted, each of them, by a gun; then the Council were saluted by one gun; after which a gun was fired for each State in the Union. From the peculiar constitution and duties of this company, it was often called the governor's guard. It corresponded well with the "Ancient and Honorable Artillery Company" of Massachusetts, and was well maintained until about 1836. D. P. Thompson, in his *History of Montpelier*, thus described the company at its first appearance in 1809, but erroneously dating in 1808:

A fine artillery company, uniformed throughout with plumed Bonaparte hats and the dress of field officers in all except the epaulette on the privates, was organized from among the first citizens of this and the neighboring towns, to serve as the Governor's Guard, and be in especial attendance on Election days. Of this company Isaac Putnam, a man nearly six-feet-six high, weighing over two hundred pounds, well proportioned, and as noble in soul as in body, had the honor of being chosen the first captain, and no one of those present now living can fail to recall his fine and commanding military appearance on those occasions as he stood up between his soldiers and the encircling crowd, like Saul among the people.

See printed *Laws of Vermont*, 1808, p. 63; and D. P. Thompson's *History of Montpelier*, p. 111.

Council. Attest M. Post Clerk, and being read, Resolved to Concur with the House in the above reference & that Mr Wright join said Comᵉᵉ.

Recᵈ from the House the Pet. of the Selectmen of Leicester for a new Comᵉᵉ to examine anew the County road from Middlebury to West Rutland &c. With this order of the House thereon: In Gen. Assembly October 13ᵗʰ, 1809. Read & Referred to Messrs Whitney, Myrick & Mason to join a Comᵉᵉ from Council. Attest M. Post Clerk, which being read Resolved that Mr Loomis join the said Committee from the House.

Adjᵈ to 9 Oclock tomorrow morning.

Satʸ, 14, Oct. 9 Oclock A. M.

The Council met pursuant to adjournment.

Recᵈ from the House the following resolution: In Gen. Assembly Oct. 13ᵗʰ, 1809. Resolved that a Committee of 5 members be appointed to Join such Commᵉᵉ as the Governor & Council may appoint to take under consideration all the Petitions for new trials: Members chosen Messrs Knight, C. Rich, G. Robinson, Cahoon & Ware. Extract from the Journal, Attest M. Post Clerk. Which was read and it was Resolved, that Messrs Loomis & Butler join.

Also Recᵈ from the House a resolution appointing a Committee to take under consideration all Petitions for acts of insolvency & suspension; Members Chosen Messrs Chipman, Griswold, Dewey, Olin & Barnes, & being read Resolved, that Messrs Wright & Hunter join said Committee.

Also a Resolution appointing a Committee of Claims, consisting of Messrs Henry, Linsley, P. Smith & C. Rich, which being read it was Resolved, to Concur with the House in passing the same & Mr Keyes was appointed to join.

Also a resolution appointing a Committee denominated the Turnpike Committee, consisting of Messrs Wilmarth, Shafter, Fox, Delano & Harrington, which was read & it was Resolved, that Mr Bliss Join said Committee.

Also a Resolution appointing Messrs Ware, J. Smith, & Dewey to take charge of certain maps Provided by the Surveyor of public buildings & direct in what manner & Place they shall be affixed in the State House for the accommodation of the Legislature, which was read & it was Resolved that Mr. Chittenden Join said Committee.

Received from the House the following Petitions Praying for acts of insolvency & suspension: one from Abijah H. Hale & others; one from John G. Wheelock; one from Thomas Miller; one from Daniel Coit; one from Nathan Boynton Jr. and a remonstrance of James Smith agᵗ the Petition of Nathan Boynton Jr. With this order on each: "In Gen. Assembly Oct. 13ᵗʰ 1809. Resolved to refer the same to the joint Committee of Insolvency & Suspension," which were severally read & it was Resolved to Concur with the House in the aforesaid reference.

Recᵈ from the House the Petition of William Slade & others for a turnpike road from Hubbarton Turnpike road to Middlebury, & a Turnpike road from the west end of Stratton Turnpike to New York line, with this order of the General Assembly: October 13ᵗʰ, 1809, read & referred to the joint Committee of Turnpikes, Attest M. Post Clerk, which was read & it was Resolved to Concur with the house in the above reference.

Recᵈ from the House the Petition of Robᵗ Bowne & others praying for an act of incorporation for the Purpose of smelting & refining ores

within this State, with this order thereon: In General Assembly Oct. 13th, 1809. Read & referred to Messrs Williams, Chipman & Jacob Smith to join a Committee from Council. Attest M. Post Clerk, and being read it was Resolved to Concur with the House in the above reference and Gov. Brigham & Mr Butler were apptd to join the Comee of the House.

His Excellency Jonas Galusha Esquire Governor Elect, appeared in Council and accompanied by the Lt. Governor & the Honorable Council who were Present, according to Previous notice, Proceeded to the Representatives' room and after the Oaths required by the constitution & Laws of this State were administered to him by the Honorable Chief Judge of the Supreme Court of Judicature, His Excellency delivered to both Branches of the Legislature the following speech.[1]

And then the Governor & Council returned to their Chamber & resumed the Consideration of business.

Recd from the House a Petition of sundry inhabitants of Brookline praying for the privilege of representation in the Gen. Assembly, with this order thereon: In Gen. Assembly Oct. 13th, 1809. Read & referd to a Comee of three to join a Comee from Council. Members chosen Messrs McLaughlin, Peckham & Hungerford. Attest M. Post Clerk, which being read it was Resolved that Mr Hunter Join. Also recd the Petition of Samuel Burnell praying the legislature to empower him to sell lands as administrator of Arba Green &c. with this order thereon: In Gen. Assembly Oct. 13th, 1809. Read & referred to a comee of three to join a comee of Council. Messrs Thayer, Eastman & Painter appd. Attest M. Post Clerk, which being read it was Resolved to concur & that Mr Bliss join said committee. Recd also the Pet. of the town of Brandon for an act to legalize the records of that town, with this order thereon: In Gen. Assembly Oct. 13th, 1809. Read & referred to a Comee of three members to join a comee from Council. Messrs Flagg, Andrus & Norton chosen. Attest M. Post Clerk, which was read & it was Resolved that Mr Keyes join.

Adjourned to 2 Oclock P. M.

2 O'Clock P. M.—His Excellency the Governor was Pleased to appoint R. C. Mallary Secretary for himself & Council, and the oaths required by the Constitution & Laws were administered by his Excellency the Governor.

Recd from the House the Petition of Silas Hathaway with this order of the House thereon: In General Assembly Oct. 13th, 1809, Read & referred to the joint Comee of insolvency & Suspensions. Attest M. Post Clerk, which was read & it was resolved to join in the reference.

Recd from the House the Petition of the inhabitants of Kirby with the following order of the House thereon: In General Assembly Oct. 13th, 1809. Read & referrd to the jt Comee on the Pet. of the town of Brandon. Attest M. Post Clerk, Which being read it was Resolved to Concur with the House in Passing the same.

Received from the House the Petition of Ezekiel Buell & others, thereon the following order of the House: In General Assembly Oct. 13th, 1809. Read & referred to the joint Military Committee. Attest M. Post [Clerk,] Which was read & it was Resolved to concur with the House in the above reference.

Recd from the House the Petition of Jonathan Fassett with the following order of the House thereon: In Gen. Assembly Oct. 14th, 1809. Read & referrd to the joint Comee of Claims. Attest M. Post Clerk, which being read it was Resolved to join the above reference.

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[1] For the speech see *Appendix* A.

Received from the House the Petition of the Inhabitants of Sherburn with this order thereon: In Gen. Assembly Oct. 14th, 1809. Read & referred to the joint committee on turnpikes. Attest M. Post Clerk, which being read it was Resolved to concur in the foregoing reference.

Recd from the House the Petition of John Torrance Praying to have all processes suspended &c. for a term of time, with this order of the House thereon: In Gen. Assembly Oct. 14th, 1809. Read & referd to the Joint Comee of suspension & insolvency. [Attest] M. Post Clerk, which being read it was Resolved to concur with the House in the above reference.

Recd from the House the Petition of Jacob Galusha praying for relief & compensation &c. with this order of the House thereon: In Gen. Assembly Oct. 14th, 1809. Read & referred to the jt Committee on the Pet. of James D. Butler. Attest M. Post Clerk, which being read it was Resolved to Concur with the House in the foregoing reference.

Recd from the House the Petition of Samuel Holton & Alanson Ferris each Praying for an act of suspension &c. with the following order of the House on each: In General Assembly Oct. 14th, 1809. Read & referred to the joint Committee of suspension. Attest M. Post Clerk, which being read it was Resolved to concur with the House in the foregoing references.

Recd from the House the Petition & remonstrance of Peter Danforth & others with the following order of the House thereon: In general assembly Oct. 13th, 1809. Read & referd to a Committee of three members to join a Committee of Council. Members chosen Messrs S. Walbridge, J. Brigham & W. Barber. Attest M. Post Clerk, which were read & it was Resolved to concur with the House in the above reference.

Recd from the House the Petition of Daniel Brooks Praying for a Turnpike, with the following order of the House thereon: In General assembly October 14th, 1809. Read & referd to the Joint Committee on Turnpikes. Attest M. Post Clerk, which being read it was Resolved to concur with the House in the above reference.

Adjd to 9 OClock A. M. Monday 16th Oct. 1809.

Monday October 16th, 1809, 9 O'Clock A. M.

The Council met Pursuant to adjournment.

The Petition of Grant Weed & Seth Payne Praying for Pardon were filed & each read & ordered to lie on the table.

The Honorable Haines French & Samuel C. Crafts Esqrs. appeared in Council who took & subscribed the necessary oaths Prescribed by the Constitution & Laws as Councillors for the year ensuing & took their Seats.

Recd from the House the Petitions of the Inhabitants of Middletown, Clarendon, Poultney & of A. Hall & the remonstrance of Clarendon & Tinmouth with the following order of the House thereon: In General Assembly Oct. 14th, 1809. Read & referred to the joint Turnpike Committee. Attest W. D. Smith Clerk, which was read & it was Resolved to Concur with the House in the above reference.

Recd from the House the Petitions of the towns of Sherburn, Waitsfield, Elmore & Worcester, each praying for land taxes, with an order of the House on each as follows: In General Assembly October 16th, 1809, read & referred to the Joint Land tax Committee (first.) Attest W. D. Smith Clerk, which being read it was Resolved to concur with the House in the foregoing reference.

Recd from the House a bill entitled "an act providing for fire arms for

the militia of this State," with this order of the House thereon: In Gen. Assembly Oct. 14th, 1809, called up & referred to the joint military Committee. Attest W. D. Smith Clk. which was read & it was Resolved to join the above reference.

Recd from the House the Petition of Shelden Wheeler & others with the following order of the house thereon: In Gen. Assembly Oct. 14th, 1809. Read & referred to the joint Military Committee. Attest W. D. Smith Clerk, which being read it was Resolved to concur with the House of Assembly in the above reference.

Recd from the House the following resolution, Viz. In Gen. Assembly Oct. 16th, 1809. Resolved, the Governor & Council concurring herein, that both Houses meet in the Representatives' room tomorrow morning at 10 O'clock for the purpose of Electing Judges of the Supreme Court of Judicature for the Year ensuing. Attest W. D. Smith Clerk, which being read it was Resolved to concur with the House in passing the foregoing resolun.

Recd from the House a resolution appointing a Comee to join a Committee of Council to be denominated the first land tax Committee, which being read it was then Resolved to Concur with the House in passing the resolution; and Mr Crafts was appd to join said Comee from Council.

Recd from the House a resolution respecting the State's Prison laws &c. appointing a Committee to join from Council a comee which should there be appointed, & it was Resolved to Concur with the House in passing said Resolution; and Mr French was appointed to join from Council.

Recd from the House the Pet. of Franklin County Grammar School with an order of the House appointing a Committee to join a Comee of Council, which was Read and by the Council it was then Resolved to concur with the House in passing the aforesd Resolution & Mr Hunter was appointed to join.

Received from the House the Petition of Levi Bennet with an order of the House thereon appointing a committee from the house to join a Commee of Council, which being taken under consideration by the Gov. & Co. it was Resolved to join in the Above reference & Mr French was appd to join.

Recd from the House the Petition of Levi Hall with this order thereon: In Gen. Assembly October 16th, 1809. Read & referred to Messrs Scott, Walker & Robbins, to join a Committee from Council. Attest W. D. Smith Clerk, & it was Resolved to concur with the House in said reference & Mr Bliss appd to join the Committee appointed by the House.

Recd from the House a resolution "respecting the distillation & exportation of Grain" with an order of the House appointing a Committee to join a Comee of Council, which was read and it was Resolved to concur with the House in said Reference and Messrs Loomis, Wright & Butler were appd to join said Committee.

Recd from the House "a resolution respecting lists & listers" with an order of the Gen. Assembly appointing a Committee to join such Committee as the Gov. & Council may appoint, which was taken under consideration & it was then Resolved to concur with the House in the above reference & Mr Brigham appd to join.

Recd from the House the Pet. of the Heirs of Ebenr Williams with the following order of the House thereon: In Gen. Assembly October 14th, 1809. Read & Referrd to Messrs. Smith, Norton & Gaines to join a Comee of Council. Attest W. D. Smith Clerk, which was Read & Resolved to join in the above reference and Mr Loomis was appd to join.

Recd from the House the Pet. of Timothy & Mary Jenner with an

order appointing a Com^ee to join a Com^ee from Council and after being read by the Council it was Resolved to Concur with the House in the above Reference and Mr Crafts was app^d to join.

Adjourned to 2 OClock P. M.

2 O'Clock P. M.—Rec^d from the House a resolution appointing 4 Oclock this day the time for the County Convention to meet: & [the opening of the House on Tuesday next for] the Committee of the whole for the purpose of Receiving the nominations, which was read & it was then Resolved to concur with the House with the following amendment, Viz. that instead of "*Monday*" insert "*tuesday*" & that instead of "*tuesday to receive the nominations*" insert "*Wednesday.*" Mr Keyes assigned the reasons to the House.

Mr Apollos Austin appeared in the Council Chamber & after the oaths of office were administered he took his seat as Councillor.

Adjourned to 9 A. M. Tomorrow.

Tuesday 9 O'C. A. M. 1809, Oct. 17th.

Rec^d from the House the Bill entitled "an act to lay out a road from Canaan to Holland" with an order of the house thereon referring the same to a Committee of three to join a Committee of the Council, which was read and on motion it was Resolved to join in the above reference, and Mr Crafts joined.

Rec^d from the House the Petition of William Shearer [jr.] with the following order of the House thereon: "In General Assembly Oct. 16th, 1809, read & referred to the joint Committee of claims. Attest W. D. Smith Clerk," which being read it was then Resolved to concur in the said reference.

Rec^d from the House the Petition of E. Hawley with an order of the House referring the same to the joint Committee of Suspensions, which was read & on motion it then was Resolved to concur with the House in the foregoing reference.

The Bill entitled "an act concerning Writs of Error & Audita Querelas" was rec^d from the House [with this order thereon:] "In General Assembly, Read & Referred to a Com^ee of three to join a Committee of Council. Attest W. D. Smith Clerk," which was read & Resolved that the Council do concur with the House in the foregoing reference & that Mr Butler join.

Pursuant to the concurrant Resolution of Both Houses the Governor & Council proceeded to the Representatives' Room for the Purpose of Electing Judges of the Supreme Court of Judicature which being compleated the Gov. & the Council returned to their Chamber & resumed the consideration of business.[1]

Rec^d from the House the Petition of Jacob Burt praying for a suspension &c. with an order of the house appointing a Committee to join a Com^ee of the Council, which being read it was resolved to concur.

The pet. of the Town of Pawlett was rec^d with an order of the House appointing a Committee to join a Com^ee of Council, which was read & it was on motion then Resolved to concur with the House in the above reference & Mr Crafts was appointed to join.

The Petitions of Billymead, Fayston, M^t. Tabor, Barton & Newark were rec^d with an order of the House on each referring them to the 2^d land tax Committee, which were severally read & then it was resolved to concur with the House in the above reference.

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[1] Royall Tyler, Theophilus Harrington, and David Fay were elected.

The Petitions of Coventry, Irasburgh & Kingston praying for land taxes were rec^{d} from the House with an order of the House on each referring them to the 1st Land tax Committee, which were severally read & it was on motion then Resolved to concur with the House in said Reference.

Rec^{d} from the House the Petition for a turnpike from Connecticut river to Washington; from Montpelier to Woodstock & the remonstrance ag^{t} the Windham County corporation, with an order of the House to commit them to the joint turnpike Committee, and on motion it was resolved to concur in the above reference.

The petitions from Ryegate, Cavendish, & Ludlow, & of Timothy W. Orsborn were rec^{d} from the House with an order on each referring them to the joint Military Committee, which being severally read it was on motion Resolved to concur with the House in said reference.

The Bill establishing a Cotton & Woolen Manufactory at Montpelier, & the Petition of Stephen Crouch & others were received from the house with an order on each referring them to the joint Committee on that part of His Excellency's Speech relating to manufactures, and on motion it was Resolved to concur with the House in said Reference.

A bill entitled an act in addition to an act establishing a State Bank was rec^{d} with an order thereon referring the same to the joint Committee on that Part of His Excellency's Speech relating to the State Bank, which was read & Resolved to concur in said Reference.

Received from the House a resolution appointing a Committee on that part of His Excellency's Speech which relates to Manufactures, and on motion it was Resolved to concur with the House in passing the above resolution and Mr. Austin was appointed to join said Committee on part of Co.

Rec^{d} from the House the Resolution appointing a Committee of the House on that Part of His Excellency's Speech which relates to the State Bank, which being read on motion it was Resolved to concur with the House in passing said Resolution & Messrs Wright & Brigham were appointed to join.

Rec^{d} from the House a Resolution appointing a committee of the House to join a committee of Council to be denominated the 2^{d} land tax Committee, which was read & it was Resolved to concur with the House in said Resolution & Mr Austin was appointed to join.

Rec^{d} from the House a resolution appointing & Directing the joint Committee on the State Bank to enquire respecting the expediency of Prohibiting Hawkers & Pedlars within this State, which being read it was Resolved to concur with the Passing of this resolution.

Rec^{d} from the House the Petition of John Stoel [Stowell] with the following order thereon: In Gen. Assembly Oct. 16^{th,} 1809. Read & referred to the joint Committee of Claims. Attest W. D. Smith Clerk, which being read it was then on motion Resolved to concur with the House in passing the Same.

Adjourned to 2 O'C. P. M.

2 O'Clock P. M.—The Council met &c.

The Honorable Royall Tyler, Theophilus Herrenton & David Fay appeared in Council; the Hon. David Fay signified his resignation to His Excellency the Governor & Council of his office of District Attorney,[1] when the oath of office was administered by his Excellency the Governor to the Hon. Royall Tyler Esqr as Chief Judge of the Supreme Court of Judicature of this State, & to The Hon. Theophilus Herrenton &

[1] U. S. District Attorney.

David Fay Esqrs as Side or Assistant Judges of the same Court, & then they retired from the Council Chamber.

The Petition of Betsy Lakin was rec^{d} with an order of the House appointing a Committee of three members of the House to join a Committee of the Council, which was read & Resolved to Concur with the House in s^{d} Reference and Mr. Hunter joined.

Rec^{d} from the House the Petition of Prudence Murdock praying to have a new Hearing before the Commissioners appointed to adjust the claims of her late Husband's estate with an order of the House appointing a Committee of the House to join a Committee of Council, which was read—it then was Resolved to concur with the House in said Reference. Mr. Loomis joined.

Rec^{d} from the House the Petition of Thomas Duncan praying for an act of Suspension, with an order of the house referring the same to the joint Committee of Suspension & insolvency, which was read & Concurred to join said reference.

The Petition of Johnson Richardson was rec^{d} from the house with an order thereon referring the same to the joint comm^{ee} on the Petition of James D. Butler, which was read & it was on motion Resolved to concur with the House in said reference.

Rec^{d} from the House the Pet. of the Inhabitants of Lyndon for a land tax; also the bill laying a tax of two cents per acre on the town of Bakersfield; also the bill laying a tax of three cents pr acre on the town of Westmore, with an order on each referring the same to the 2^{d} joint Land tax committee, which were severally read & it was Resolved to concur with the House in the above reference.

Rec^{d} from the House the Petition of [the Proprietors of] Orange with the following order of the House thereon: "In General Assembly Oct. 16^{th,} 1809. Read & referred to a committee of three to join a committee of Council. Attest W. D. Smith Clerk," which was read & on motion it was resolved to concur with the house in the foregoing reference &c. Mr. French joined from Council.

Rec^{d} from the House the Petition of the Inhabitants of Orange which by the house had been referred to the joint Committee on the Petition of [proprietors of] Orange, which was read & [it] was Resolved to concur with the House in said reference.

Rec^{d} from the House the Petition of Daniel Hammond with an order of the House referring it to a Committee of the house to join a Committee of Council, which was read & on motion was Resolved to concur with the House in said reference & Mr. Austin joined.

The bill entitled "an act relating to Presbyterian Societies, their raising monies &c. was rec^{d} from the house with an order referring the same to a committee of the house to join a committee of Council, which was read & on motion resolved to concur with the House in said Reference & Mr. Chittenden joined.

Adjourned to 9 OClock A. M. tomorrow.

Wednesday Oct. 18^{th,} 1809, 9 O'Clock A. M.

Council met pursuant to adjournment.

The Hon. Horatio Seymour Esquire appeared in Council and took the necessary Oaths of Office and then took his seat as Councillor.

The Pet. of Robert Bowne & others was rec^{d} from the House a Second time with a resolution of the House discharging the Committee first appointed & referring said Petition to the Committee on Domestic Manufactures, which was Read and it was resolved to concur with the said resolution.

On motion Mr. Butler was appointed on the Committee of Manufactures to join the committee previously appd.

The Governor & Council proceeded to the Representatives' room to meet the House in joint Committee for the purpose of making County appointments & after progress the Committee adjourned till tomorrow at the opening of the house in the afternoon and then returned to their chamber.

Adjourned to 2 O'Clock P. M.

2 O'clock P. M.—The Council met pursuant to adjournment.

Recd from the House the report of the Committee on the State's Prison with an order of the House referring it to the Joint State's Prison Committee, which being read it was then on motion Resolved to concur with the House in the above resolution.

Recd from the House the bill entitled an act appointing a Committee to examine the road from Salsbury to West Rutland, which was read & referred to Mr Seymour.

The Petition of Isaiah Sanford praying for compensation &c. was recd with an order of the house referring the same to a Committee of 3 to join a committee of Council, which being read it was Resolved to concur with the House of Representatives in their reference.

The Petition of Josias Smith Esqr. & others was recd from the House of Representatives with an order of the House Referring the same to a committee of three to join a committee of Council, which being read it was Resolved to concur in said Reference & Mr Hunter appd to join.

The Petition of Jesse Fairchilds was recd from the House of Representatives with an order of the House Referring the same to a Committee of three to join a comee of the Council, & it was Resolved to concur with the House in said Reference & Mr Seymour joined.

The Petition of the inhabitants of Deweysburgh to be annexed to Peacham was recd with an order of the House appointing a committee to join a Committee of Council and on motion it was Resolved to join with the House in the said reference & Mr Chittenden joined.

The Petition for a new County was recd from the House with their order thereon appointing a committee of the House to join a Committee of Council, which was then read & on motion it was Resolved to concur with the House in their said reference, & Messrs Loomis & French were appointed to Join the Committee of the House from Council.

The Petition of the Inhabitants of the towns of Newark & Easthaven were received from the House with an order referring the same to the joint Committee on the new County, which was read & it was then Resolved to concur with the House in their said reference.

Recd from the House the Petition of the Inhabitants of Wardsboro with an order of the House referring the same to the joint Committee on the Petition of Brookline, which was read & it was Resolved to concur with the House in their above resolution.

Recd from the House the following Resolution Viz. In Gen. Assembly Oct. 17th, 1809. Resolved that his Excellency the Governor be requested by & with the advice of Council to appoint the first thursday of December next to be observed as a day of Public thanksgiving & Praise throughout this State. Attest W. D. Smith Clerk, which being read it was resolved to concur with the House in sd Resolution.

The Petition of David Ramsdill & others was recd from the House with an order of the House thereon referring the same to the joint Committee on the Petition of Levi Hall, which was read & it was Resolved to concur with the House of Representatives in their above reference.

Recd from the House the Petition of the Selectmen of the town of Waterford with an order of the House thereon referring the same to the

joint Committee on the Town of Brandon, which was read & on motion was Resolved to concur with the House in their said Reference.

Rec^{d} from the House the Petition of the town of Wells, which was called up, by the House referred to a Committee of three to join a Committee of Council, which was read & it was then Resolved to concur with the House in said reference & Mr Seymour joined.

Rec^{d} from the House the Petition of the Inhabitants of Danville to be annexed to Saint Johnsbury with an order of the House appointing a Committee of the House to join a Committee of Council, which was read & then it was Resolved to concur with the House in s^{d} reference & Mr Crafts joined.

Rec^{d} from the House the Petition of Barton for a certain right of land, with an order of the House thereon appointing a Committee of the House to join a Committee of the Council, which was read & on motion it then was Resolved to Concur with the House in said reference. Mr French joined.

Rec^{d} from the House the Petition of Francis Bradbury praying for a privilege of a road &c. with an order thereon appointing a Committee of three to join a Committee of Council, which was read & Resolved to concur with the House in said Reference & Mr Bliss joined from Council.

Rec^{d} from the House the Petition of the Inhabitants of Waitsfield, Duxbury & Moretown "praying the Legislature to grant them assistance in raising mulberry trees," with an order of the House thereon referring the same to the joint Committee on Manufactures; which being read it was on motion Resolved to concur with the House in the above reference.

Rec^{d} from the House the Petition of Waterford for a land tax with an order of the House referring the same to the 2^{d} land tax Committee, which being read it was on motion Resolved to concur with the House in the aforesaid reference.

Rec^{d} from the House the bill for the relief of William Slade, the Petition of Barnard, the Petition of William Brusee, the Pet. of Silas Alger Jr. the Bill en^{d} an act directing the treasurer to pay Josiah Barton the sum thereof, the account of Gideon Hawley, the Petition of Atherton Hale Jr. & Parley Davis were rec^{d} with an order of the House on each referring them to the joint Committee of Claims, which being severally read it was on motion Resolved to concur with the house in each of said references.

The Petitions of Benjamin H. Oaks, Walter Bugbee, Elias Gallupp, Theophilus Whittles, John Strong, Ebenezer Sawyer, Joseph D. Wheeler were rec^{d} with an order of the House on each referring them to the joint Committee of insolvency & Suspension; which being severally read on motion it was Resolved to concur with the H. of Representatives in said reference.

Rec^{d} from the House of Representatives a bill entitled "an act to revive & alter an act laying a tax on Pittsfield," the Petition of the Inhabitants of Middlesex for a land tax & the Petition of the Inhabitants of Woodford for a tax with an order of the House thereon referring the same to the 1st Joint land tax Committee, which were read & on motion it was Resolved to concur with the H. of Representatives in their s^{d} references.

The Petition of the Passumpsic Turnpike Corporation, the Pet. for a Turnpike through Plymouth & for a turnpike from Connecticut River to Newfane with an order of the House on each referring them to the joint Turnpike Committee, which were then severally read by the Secretary & it was Resolved to concur with the H. of Representatives in their s^{d} Reference.

Adjourned to 9 OClock tomorrow A. M.

THURSDAY October 19th, 1809 9 O'Clock A. M.

The Council met pursuant to adjournment.

On motion Mr. Seymour was appointed an additional Committeeman on the 2d joint land tax Committee.

Recd from the House a resolution of the same adopting the amendment of Council to the resolution appointing a time for the meeting of the joint Committee of both Houses for the purpose of receiving the County nominations. Also recd a resolution of the House appointing a Committee on the part of the House to join a Committee of Council to be denominated the 3d land tax Committee, which was Read & it was Resolved to concur with the House in the same & Mr Bliss joined.

Recd from the House the bill entitled "an act reviving a land tax on Huntsburgh," the Petition of Groton for a land tax, Petition of Orange for a Tax on Groton, which were accompanied each with an order of the House referring the same to the 3d land tax Committee, which were then severally read & it was Resolved to concur with the House in their said reference.

The Petition of Jonathan & Levi Alger was recd with an order of the House thereon referring the same to a joint committee; three members of the House chosen to join a Committee of Council; which was read & it was on motion Resolved to concur with the house in the reference & Mr Seymour joined.

The Petitions of Winnoski Turnpike Corporation & of Jonathan Danforth were recd with an order of the House on each referring them to the Joint Turnpike Committee, which being then read it was Resolved to concur with the House in said reference.

Petition for a Company of Riflemen in the 3d regiment 2d Brigade & 2d Division, with an order of the House referring the same to the joint Military Committee was recd [and] being read it was Resolved to concur with the House of Representatives in said reference.

Recd from the House the Petition of Ebenezer Clark praying for a new trial, with an order of the House to refer the same to the joint Committee on new trials, which was read & on motion it was Resolved to concur with the House in said reference.

Recd from the House the Petition of Thomas Hodgkins praying for an act of suspension, with an order of the House to refer the same to the joint Committee of suspension & it was Resolved to join in said reference.

The Petition of the town of Fayston was recd with an order of the House to refer it to the joint Comee of Claims, which was read & on motion Resolved to concur with the House in their said reference.

The Petition of Grant Weed praying for a pardon was read & leave given to the Petitioner to withdraw.

Recd from the House a resolution of the House appointing the opening of the house in the afternoon of this day the time to meet in the Representatives' room to appoint a Surveyor General & auditor of accounts against this State for the year ensuing, which was read & on motion it was Resolved to concur with the House of Representatives in sd Resolution.

Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Council met Pursuant to adjournment.

The Petition of Thomas Todd & Son praying for certain exemptions for Manufactures &c. was recd with an order of the House referring the same to the joint Committee of Manufactures, which was read & it was Resolved to concur with the house in said reference.

Pursuant to the concurrant resolution of both Houses the Governor

& Council met the House in joint Committee for the purpose of electing Surveyor General &c. which being compleated, the Governor & Council returned to their Chamber.[1]

The Petition of Joseph Holcomb was rec^{d} with an order of the House referring the same to the joint Committee of Claims, which was read & it was resolved to concur with the house in the same.

The Petition of the Inhabitants of Bennington County to remove the County buildings was rec^{d} with an order of the House referring the same to the [a] joint Committee of three to join a Committee of Council, which was read & on motion it was Resolved to concur with the House in said reference & Mr Hunter joined.

The Petition of Winthrop Hill was rec^{d} with an order of the house referring the same to the joint Committee of Claims, which was read & Resolved to concur with the house in said reference.

Rec^{d} from the house the Petition of Moses Strong praying for a Turnpike, with an order of the house referring the same to the joint Committee on Turnpikes, which was read & on motion it was then Resolved to concur with the house in passing said resolution to join s^{d} reference.

Rec^{d} from the House the Petition of Silas Fisher with an order of the house referring the same to the joint Committee on the Petition of Levi Hall, which was read & on motion it was Resolved, to concur with the house in their said reference.

Rec^{d} from the house the Petition of the Washington Artillery Company with an order of the house referring the same to the joint Military Committee, which was read & on motion it was then Resolved to concur with the House in said reference.

Rec^{d} from the House the Petition of Thomas Reed for a suspension of Civil process ag^{t} him for a term of years, [which] was read & on motion it was Resolved to concur with the house in referring said Petition to the joint Committee of insolvency & Suspension.

Rec^{d} from the House the Petition of the proprietors of Mt. Tabor with an order of the house referring the same to the joint Committee on the Pet. of Orange, which was read & it was resolved to concur in s^{d} reference.

The petition of John Gould praying for a new trial was rec^{d} with an order of the House referring the same to joint Committee on New Trials, which was read & on motion it was resolved to concur with the House in said reference.

Rec^{d} from the House the Petition for a road from Rutland to Middlebury with an order of the House referring the same to a Comm^{ee} of 3 members to join a Committee of Council, which was read & it was Resolved to concur with the House in the said reference & Mr Keyes joined from Council.

Rec^{d} from the House the Petition for a Medical Society in the County of Caledonia, with an order of the House to refer the same to a Committee of 3 members to join a Committee of Council, which was read & it was on motion Resolved to join the House in the aforesaid reference & Mr French joined.

Rec^{d} from the House the Petition of Eleazer Wheelock for an exclusive privilege of running a stage &c. with an order of the House referring the same to a Committee of 3 to join a Committee of Council, which was read & it was on motion Resolved to concur with the house in said reference & Gov. Brigham joined.

Rec^{d} from the House the Petitions from Peru, Londonderry, Wind-

[1] Joseph Beeman jr. was re-elected Surveyor General, and Alexander Hutchinson Auditor.

ham &c. Praying for the alteration of their Military district & that a new Regiment may be formed—they were read & on motion Ordered to lie on the table for Consideration.

Rec^{d} from the House the Petition for a fire company in Montpelier, with an order of the house referring the same to the joint Committee on the petition of Josias Smith, which was read & on motion it was then Resolved to concur with the House in said reference.

Adjourned to 9 OClock tomorrow A. M.

FRIDAY Oct. 20th, 1809, 9 Oclock A. M.

The Council met pursuaut to adjournment.

His Excellency directed the Secretary to present the following communication to the House:

To the hon. the Speaker of the House of Representatives now sitting: Sir, I herewith transmit to you sundry papers which have been communicated to me by my predecessor in office, Governor Tichenor, for the information of the House of Representatives. No. 2, contains a Copy of a letter from Gov. Tichenor explanatory of papers accompanying it. You will likewise learn from it that there is a vacancy (occasioned by court Martial) in the office of Brigadier General of the 3^{d} brigade & 3^{d} division of the Militia of this State, which will require your attention to fill in the course of the present session. You will also find the correspondence between Governor Tichenor & Gov. Craig in pursuance to the resolution of Nov. 11th, 1808, respecting the Counterfeiters on Canada line; and also the account of Capt. J. Dunham, who was commissioned on that business to the Governor of Canada.[1] No. 1, Contains the Communications of Massachusetts & Pennsylvania Executives containing certain resolutions proposing amendments to the constitution of the United States. Also resolutions of the States of Massachusetts & Maryland, disapproving of the amendments of the Constitution of the United States proposed by the State of Virginia on the 9th of February 1808. All which is submitted, JONAS GALUSHA.

The Petition of N. Mansfield for a renewal of a lottery was rec^{d} from the house with an order thereon referring the same to the Comm^{ee} of [on] the petition of [Daniel] Hammond, which was read & Resolved to concur with the house in said reference.

The Petition of Jacob Holmes & Thankful Holmes was rec^{d} with an order of the House thereon referring the same to the Committee on the Petition of the Heirs of Ebenezer Williams, which was read & on motion it then was Resolved to concur with the House in their said reference.

The Petition of the town of Concord was rec^{d} with an order of the house thereon referring the same to the joint Committee of 5 to join a Committee from Council, which was read & it was resolved to concur in said reference, & that Mr Keyes join said Committee on the part of Council.

The petition of Jonathan Aiken & al. for a grant of land was rec^{d} with an order thereon referring the same to the joint Committee of 5 to join a Committee from Council, which was read & it was Resolved to concur in said reference & that Mr Keyes join said Committee on the part of Council.

The Petition of Stephen Judd & George Tiffany was rec^{d} from the house praying for an act of incorporation for a Marble factory, with an

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[1] See *Appendix* J.

order thereon to refer the same to the joint Committee on Manufactures, which was read & on motion it was then Resolved to concur with the House of Representatives on s^d^ Reference.

Rec^d^ from the House the Petition of Hartford praying for the repeal of a certain act &c. with an order of the House thereon referring the Same to the joint Committee on the Petition of the town of Leicester, which was read & it was Resolved to concur with the House of Representatives in said reference.

The bill entitled "an act concerning writs of Error & audita Querela" was rec^d^ again from the house with an order thereon recommitting the same to the former Committee & it was then Resolved to concur with the house in their recommitment of the Bill.

[Rec^d^] the Petitions for land tax on the towns of Derby, Salem, Newark, Easthaven, Granby & Guildhall, with an order of the house on each referring the same to the joint Committee of the 3^d^ land tax, which were then severally read & on motion it was Resolved to concur with the house in their said reference.

The Petition of the trustees of Franklin County Grammar School was rec^d^ from the House with an order thereon appointing the joint Committee on The petition of Franklin County Grammar School, which was read & then on motion it was Resolved to concur with the House of Representatives in said reference.

The Petition of Enosburgh for a lottery was rec^d^ with an order of the house thereon referring the same to the joint Committee on the Petition of Daniel Hammond, which was read & it was Resolved to concur with the house in said reference.

The Petition of the town of Salem for a land tax was rec^d^ with an order of the house referring the same to 3^d^ land tax Committee, which was read & it was resolved to concur with the house in said reference.

Rec^d^ from the House the resolution authorizing select men to sell school lands & which was referred by the House to a Committee of 5 to join, which was read & Resolved to concur in said reference & Messrs Butler & Loomis joined.

The Petition of Abiel Bugbee was rec^d^ with an order of the house referring the same to the joint Committee on the Petition of Levi Hall, which was read & it was Resolved to concur with the House in their said reference.

Rec^d^ from the House the resolution respecting the parade grounds, with an order of the house referring the same to a Committee of 3 to join a Committee of Council, which was read & Resolved to concur with the house in said reference & Mr. Wright joined.

Rec^d^ from the House the following Resolution respecting Committees: Mr Knights was on motion excused from serving on the Petition of the Proprietors of Mt. Tabor, & Mr E. May app^d^ in his room. Mr Pliny Smith was on motion excused from serving on the 1^st^ land tax Committee & Mr Saxton app^d^ in his Room. Mr. Cameron was on motion excused from serving on the Committee raised on the petition for a new county & Mr. Noyes appointed in his room. Extract from Journal, Attest W. D. Smith Clerk.

Adjourned [to] 2 OClock P. M.

2 O'Clock P. M.—Petitions for land taxes were rec^d^ praying taxes on the towns of Peru & Enosburgh with orders of the House referring the same to the 1^st^ land tax Committee, which was read & it was Resolved to concur with the house in passing said reference.

The Petition of Jonas Cutting was rec^d^ from the House with an order of the House on the same referring it to the joint Military Com^ee^, which

was read & it was on motion Resolved to concur with the House in their said reference.

Rec^{d} from the house the Petition of William Scott [and] J. Spencer & al. with an order of the house thereon to appoint a Committee of 3 to join a Committee of Council, which was read & Resolved to concur with the house in s^{d} reference & Mr French joined.

The Petition of Paul Champlin & others was rec^{d} with an order of the house thereon referring the same to the joint Committee on the Petition of Levi Hall, which was read & on motion it was Resolved to concur with the house in their said reference.

The Petition of Clark Conant was rec^{d} from the house [with an order] referring the same to the joint Committee on the Pet. of Gad Langdon & others; after being read on motion it was Resolved to concur with the house in their foregoing reference.

Rec^{d} from the House the Petition of Gad Langdon & others with an order of the House to join appointing a Committee of 3 to join a Committee of Council, which was read & on motion Resolved to concur in said reference & Mr Chittenden joined.

The Petition of the inhabitants of Sharon & Royalton was rec^{d} with an order of the house referring the same to the joint Committee on the Petition of Wells, & it was read & Resolved to concur with the house in their foregoing reference.

The Petition of Francis Ledyard read & ordered to lie.

Rec^{d} from the House the engrossed bill entitled "an act in addition to an act providing for the building of a State's prison," which was read & it was Resolved to concur with the house in passing the Same.

Adjourned to 9 O'Clock tomorrow morning.

SATURDAY October 21st, 1809, 9 Oclock A. M.

The Council met pursuant to adjournment.

His Honor the L$^{t.}$ Governor & Council went to the Representatives' room & met the House in joint Committee & then adjourned the Same to Saturday morning at the opening of the House.

On the Petition of Daniel Hammond Mr Seymour was joined to the Committee previously appointed.

The Petition of the inhabitants of Essex County praying to be separated from the County of Caledonia &c. was rec^{d} with an order of the House referring the same to the joint Committee on the Petition for a new County, which then was read & on motion it was Resolved to concur with the House in said reference.

The bill entitled "an act in amendment of an act laying a tax of 2 cents pr acre on the town of Canaan" was rec^{d} with an order of the House referring the same to the 3^{d} land tax Com^{ee,} which was read & it was Resolved to concur with the House in said reference.

The Petition of John R. Gibson was rec^{d} with an order of the house to refer the same to the joint Committee of Suspension &c. which was read & it was Resolved to concur with the House in said reference.

The Treasurer's report respecting Hawkers & Pedlars was rec^{d} & read & it was resolved to refer the same to the Com^{ee} on the original resolution respecting Hawkers & Pedlars.

The Petition of Orson Martin was rec^{d} praying for exclusive privilege of Running a Stage, &c. with an order referring the same to the joint Committee on the Petition of Eleazer Wheelock, which was read & it was Resolved to concur with the House in said reference.

Rec^{d} from the House the Petition of Joel Tinker & account with an

order of the house referring the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their foregoing reference.

Rec^{d} from the House the Petition of Moses Wallace which was referred by order of the House to the joint Com^{ee} on the Petition of Scott, Spencer & Elkins, which was read & Resolved to concur with the House in said reference.

Rec^{d} from the House the account of Capt. J. Dunham with an order of the house referring the same to the joint Committee of Claims, which was read & on motion it was Resolved to concur with the house in said reference.

Rec^{d} from the House the petition for a land tax on the Town of Marshfield with an order of the House referring the same to the joint Committee of the 2^{d} land tax, which was read & it was concured to join said reference.

Adjourned to 2 O'Clock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

Rec^{d} from the House the petition of the trustees of Middlebury College with an order of the House referring the same to a Committee of 3 members to join a Committee of Council, which was read & on motion it was Resolved to concur with the house of Rep. in said reference.

Rec^{d} from the House the petition of Ebenezer Marvin with an order &c. of the house appointing a Comm^{ee} of 3 to join a Comm^{ee} of Council which was read & it was Resolved to concur with the house in their said reference, & Mr Chittenden joined.

The Petition of Francis Ledyard praying for a pardon was again Called up & after debate & consideration ordered to lie.

Adjourned to 9 OClock A. M. next Monday.

Monday, Oct. 23^{d}, 1809, 9 OClock A. M.

Mr Dennison appeared in Council, received the oaths of office & took his seat as Councillor.

Mr Knight moved for & was allowed leave of absence for 8 days.

Rec^{d} from the House the account of John Barney with an order of the house referring the same to the joint Committee of Claims, which was read & on motion it was then Resolved to concur in said reference.

Rec^{d} from the house the following resolution: In General Assembly Oct. 21st, 1809. Resolved, the Governor & Council concurring herein, that both houses meet in the representatives' room at the opening of the House on tuesday morning next for the purpose of electing a Brigadier General to supply the vacancy which has recently occurred in the 3 brigade 3^{d} Division of the militia of this State. Attest W. D. Smith [Clerk,] which was read & it was Resolved to concur with the House in their foregoing resolution.

Rec^{d} from the House the Petition of the inhabitants of Brookline, on which Mr Wright had been appointed a Committee from Council to join a Committee of the House, which was read & Mr Wright was discharged therefrom & Mr Dennison appointed in his room.

Mr Wright was discharged from the Committee appointed on the resolution respecting the laying out military parades in each town & the Lieut. Governor was appointed in his room.

Rec^{d} from the House the resolution appointing a Committee of 5 members of the house to join a Committee of Council to take into consideration the act for the support of schools, which was read & it was Resolved to join in said reference & Messrs Dennison & Seymour joined.

Rec^{d} from the House the bill entitled an act authorizing Levi Bennett to complete the collection of the Cent tax in Sherburne, which was read & it was Ordered to be committed to Mr French to report amendments if needed.

Rec^{d} from the House the engrossed bill entitled "an act freeing the body of John Strong from arrest," [which] was read & ordered to be committed to the L$^{t.}$ Governor for revision &c.

Rec^{d} from the House the bill entitled "an act directing the treasurer to credit Josiah Barton the sum therein mentioned," which was read & it was on motion Resolved to concur with the House in passing the foregoing bill.

Rec^{d} from the House the bill en^{d} an act altering the name of James Tracy 3^{d} to that of James Carlton Tracy, which was read & ordered to be Committed to Mr Keyes for revision or amendment.

Rec^{d} from the House the bill entitled "an act directing the treasurer to pay John Stowel the Sum therein mentioned," which was read & it was then on motion Resolved to concur with the House in passing said Bill into a Law.

Rec^{d} from the Bouse the bill entitled "an act to legalize certain town records of the Town of Brandon," which was read & Resolved to concur with the house in passing said bill.

Adjourned to 2 OClock P. M.

2 OClock P. M.—His Excellency ordered the Secretary to carry the following communication to the House:

To the Hon. D. Chase Esquire Speaker of the House of Representatives: Sir, I have rec^{d} this State's proportion of the acts passed at the first session of the 10th Congress, being 280 copies. The Gen^{l} Assembly will direct the mode of distribution. J. Galusha.

Rec^{d} from the House the Petition for a land tax on the town of Bristol with an order of the house thereon referring the same to the joint land tax Committee. Concurred.

Rec^{d} from the House the 2 bills, each entitled "an act in addition to an act &c. for governing the militia of this State," with an order of the house referring the same to the joint military Committee, which were read & it was on motion Resolved to concur with the house in said reference.

The bill entitled an act for the relief of Daniel Peasly was rec^{d} with an order of the house referring the same to the joint Committee of Claims, which was read & it was Resolved to concur with the House of Rep. in the above reference.

Rec^{d} also the account of Eleazer Wheelock with an order of the house referring the same to the joint Committee of Claims, which was read & it was on motion Resolved to concur with the house of Repres^{ent} in their said reference.

The Engross^{d} bill entitled "an act in addition to an act laying a tax of 2 Cents per acre on the town of Sherburne was rec^{d,} read & referred to Gov. Brigham & Mr Crafts for examination & amendment, who reported the following amendments to the aforesaid bill which were read & adopted Viz. In the title of the act after the figures "1807" add "*and the act in addition thereto passed Nov.* 10$^{th.}$ 1807, *directing the expenditure of said tax.*" In the third line of the preamble erase the word "*act*" & insert the word "*acts*" & in the 8th line of Sec. 1st erase the word "*act*" & insert the word "*acts*," when it was Resolved to concur with the house [in passing the bill] with said amendments, and Mr Crafts assigned the reasons to the house.

The bill entitled "an act authorising Levi Bennett to compleat the

collection of the Cent tax tax in Sherburne" was called up & it was resolved to concur with the House in passing said bill with the following amendment Viz. at the end of the bill add the following—"And shall, in "all things relating to the holding such vendue, receiving redemption "money, recording proceedings & giving deeds, have power & comply "with all the requisitions contained in the act assessing said Tax." And Mr Crafts assigned the reasons.

Adjourned to 9 O'Clock Tomorrow morning.

TUESDAY October 24th, 1809, 9 OClock A. M.

The Council met Pursuant to adjournment.

The Engrossed bill entitled "an act altering the name of James Tracy 3d to that of James Carlton Tracy" was called up, read & it was Resolved to Concur with the house in passing the Same.

Recd from the House the Petition of Lincoln for a Land tax with an order of the house thereon referring the same to the 2nd joint land tax Committee, which was read & it was Resolved to concur with the House in their said reference.

Recd from the House the Petition of Joseph Holcomb with an order of the House for a recommitment to the former Committee on the same, and it was Resolved to join the recommitment of said Petition.

Recd from the House the bill entitled "an act incorporating Robert Bowne, Isaac Clason, John A. Graham & their associates" with an order of the house for recommitment, & it was Resolved to concur with the house in their recommitment.

The Petition of Francis Ledyard stating that he now is confined in State's Prison on a conviction of Manslaughter for the term of ten years, praying for pardon, and on the question shall the Prayer of the petition be granted, the yeas & Nays were called for & taken as follows: Yeas none. Nays were His Hon. the Lt. Governor, E. Keyes, N. Chittenden, B. Loomis, E. Butler, F. Bliss, S. C. Crafts, G. Dennison, H. French, H. Seymour, W. Hunter, & so the prayer was not granted & on motion the Petition was Ordered to be dismissed.

His Excellency the Gov. & Council agreeable to the concurrent Resolution of both houses proceeded to the Representatives' room & met the house in joint Committee for the purpose of Electing a Brigadier General of the 3d brigade & 3d Division of the Militia of this State & after compleating the same returned to their Chamber & resumed business.[1]

The Bill entitled "an act to free the body of John Strong from arrest" was called up & it was then on motion Resolved to concur with the House in said bill with the following amendment Viz. after the words "*that the*" in line 2d of the act insert "Body of John Strong of Ryegate in "the County of Caledonia & State of Vermont be & hereby is freed from "arrest & imprisonment on any civil process for any debt or contract "whatever made & contracted before the passing of this act for & during "the term of five years next following the rising of the present Session "of the legislature." And His Hon. the Lt. Governor assigned the reasons to the House.

Adjourned to 2 Oclock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment.

The Treasurer's report respecting the laws was recd with an order of the house appointing a Committee of 3 of the house to join a Commit-

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[1] Elias Fasset was elected.

tee of Council, which was read & Resolved to concur with the House in their said reference.

Rec^{d} from the House the Engrossed bill entitled "an act for the relief of Levi Hall & Salmon Hall," which was read & Resolved to concur with the House in passing said bill.

The Bill entitled "an act to free the person of John Strong from arrest," which had been sent to the House with proposals of amendment of Council, was now returned nonconcurred as to the amendments, & Mr Clap appeared in Council & assigned the reasons, & on motion it was Resolved to rescind from the said Proposals of amendment & said bill was then Committed to Mr Butler for examination.

Adjourned to 9 O'Clock A. M. Tomorrow.

Wednesday Oct. 25th, 1809, 9 O'Clock A. M.

The Council met pursuant to adjournment.

Rec^{d} from the House the Engrossed bill entitled "an act Discharging David Ramsdell & others from a certain note therein mentioned," which was taken under consideration & after Debate it was Resolved to nonconcur with the House in passing said bill & Mr Loomis & Mr French reported the reasons which the Secretary carried to the House.

Rec^{d} from the House the bill entitled "an act in addition to an act entitled an act for the purpose of founding an University at Burlington Passed Nov. 3^{d}, 1791," with an order of the House referring the same to a Committee of 5 to join a Committee of Council, which was read & on motion it then was Resolved to concur with the house in said reference & Messrs Loomis & Crafts joined.

Rec^{d} from the house the Petition of Samuel Barlow & others respecting the removal of the County buildings of Franklin Co^{y}, with an order of the House referring the same to the joint Committee on the Petition of the inhabitants of Bennington County, which was read & it was Resolved to concur with the House in said reference.

Rec^{d} from the House the Petition of Alanson Ferris with an order of the house referring the same to the Committee to whom the Petition was previously committed, which was read & it was Resolved to concur with the house in said reference.

Rec^{d} from the house the Petition of Hinesburgh with an order of the House referring tho same to the joint Committee of 3^{d} land tax, which was read & it was resolved to concur with the house in said reference.

Ajourned to 2 OClock P. M.

2 OClock Afternoon.—The Council met pursuant to adjournment.

Benjamin Swan Esquire appeared in Council with a bond executed by himself & sureties for the performance of his office as treasurer of this State for the year ensuing, which was approved of by the Governor & Council & after having received the oaths of office he withdrew. The Sureties of said Bond were Arad Hunt & Elias Keyes.

The Petitions of the inhabitants of Landgrove, Winhall, Andover, Londonderry, Windham, & Peru, praying that the citizens of these towns who are liable to perform military duty may be formed into a separate regiment, were filed & read & after consideration ordered to lie on the table.

The bill entitled an act freeing the body of John Strong from arrest & his property from seizure on Execution &c. was called up & on motion it was Resolved to concur with the house in their said bill with the following amendments, to wit, At the end of the bill add the following

Proviso: "*Provided Nevertheless*, that this act shall not take effect until "the said John Strong shall have given a bond with surety to the ac- "ceptance of one of the Judges of Caledonia County Court, conditioned "that the said John Strong shall not waste his property during said "term & also that any creditor or creditors who may have obtained any "lien upon any property of the said John by virtue of any writ of at- "tachment or execution shall be entitled to an equal privilege in the "recovery of his or their demands at the expiration of said term as he "or they could have had before the passing of this act." The reasons were ordered to be assigned to the house.

Rec^{d} from the house the Engrossed bill entitled "an act for the relief of Joseph Holcomb of Panton," which was read & it was Resolved to concur with the house in passing said bill into a law.

Rec^{d} from the house the Petition of Craftsbury for a land tax with an order of the House referring the same to the 3^{d} joint land tax Committee, which was read & it was Resolved to concur with the House in their said reference.

Rec^{d} again the account of Capt. Dunham with an order of the House to recommit the same to the joint Committee of Claims, & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill entitled "an act granting relief to an infirm Indian by the name of Joseph," with an order of the House referring the same to the joint Committee on the Petition of James D. Butler, which was read & on motion it was Resolved to concur with the House in their said reference.[1]

Adjourned to 9 Oclock A. M. tomorrow.

THURSDAY October 26th, 1809, 9 OClock A. M.

Rec^{d} from the House the Engrossed bill entitled "an act giving Middle-hero the right of Representation in general assembly" which was read & it was Resolved to concur with the house in passing this bill.

Rec^{d} from the House the engrossed bill entitled "an act to revive a tax on Huntsburgh" [which] was read & on motion it was Resolved to concur with the house of Representatives in passing said bill.

Rec^{d} from the house the engrossed bill entitled "an act directing the treasurer to pay Jacob Galusha the sum therein mentioned," which was read & it was resolved to concur with the House in the same.

Rec^{d} from the House the Engrossed bill entitled "an act granting to Enoch Billings the right of Keeping a ferry across Missisquoi bay" which was read & committed to Mr Dennison to report information.

The Petition of Charles Johnson praying for pardon, having been convicted of passing Counterfeit money & now confined in State's prison, was rec^{d}, which was read & on the Question Shall the prayer thereof be

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[1] Joe was an ardent Whig, and once, with his wife Molly, visited Gen. Washington during the revolutionary war, and they were kindly received. Joe's hatred to the British was so strong that, after the war had closed, he would not cross the boundary line into Canada, even in pursuit of game. By the act of 1809, Frye Bailey of Newbury was made his guardian, receiving not exceeding seventy dollars annually from the State, with whom Joe lived until his death, Feb. 19, 1819, aged eighty years or more. He was the last of the Indians at Coousuck.—See *Vt. Historical Magazine*, Vol. II, pp. 925, 926.

granted? The Yeas & Nays were called for: Yeas, None; Nays P. Brigham, Keyes, Chittenden, Loomis, Butler, Bliss, Crafts, Dennison, French, Seymour, Hunter; so the prayer was not granted, & Petition ordered to be dismissed.

Rec^{d} from the House the Bill entitled "an act restoring Grant Weed to his law," which was read & it was Resolved to concur with the House in passing said bill.

Rec^{d} from the house the Engrossed bill entitled "an act for the benefit of Bradley Wilson & Moses Wilson," which was read & ordered to lie.

Adjourned to 2 O'Clock P. M.

2 O'Clock P. M.—The Council met pursuant to adjournment.

Mr Dennison, to whom was referred the bill en^{d} "an act granting the right of ferry to Enoch Billings across Missisquoi Bay," reported the Same without amendment & it then was Resolved to concur with the house in passing said bill.

Rec^{d} from the House the Engrossed bill entitled "an act in addition to an act ascertaining the principles upon which the lists of this State &c." which was read & committed to Messrs Seymour & Crafts for examination.

The Engrossed bill entitled "an act for the benefit of Bradley Wilson & Moses Wilson" was called up & it was on motion then Resolved to concur with the Gen. Assembly in passing the same.

Rec^{d} from the House the Engrossed bill entitled "an act appointing a Committee to examine the road from Salsbury to West Rutland & empowering them to discontinue it," which was read & Resolved to concur with the House in passing the same.

The Petition of George Parker praying for pardon, stating that he was convicted of passing counterfeit money, was read & it was then ordered to lie on the table.

Adjourned to 9 O'clock tomorrow A. M.

Friday Oct. 27th, 1809, 9 O'Clock A. M.

The Council met pursuant to adjournment.

Rec^{d} from the House the Engrossed bill entitled "an act directing the treasurer to pay John Johnson the sum therein mentioned," which was read & it was then on motion Resolved to concur with the House in passing the aforesaid Bill.

Rec^{d} from the House the Petition of Elias Gallupp & H. B. Brown praying to be incorporated & to be known by the name of the "*Vermont Merino Society*," with an order of the House referring the same to the joint Committee of Manufactures, which was read & it was Resolved to concur with the house in their aforesaid reference.

Rec^{d} from the House the account of Harry Hale with an order of the House referring the same to the joint Comm^{ee} of Claims, which was read & on motion it was then by Council Resolved to concur with the House in their said reference.

The resolution of the House relating to taking into consideration the Law respecting the probate of Wills & Testaments & Settlement of estates was rec^{d} with an order of the House referring the same to the joint Committee on the petition of Timothy & Mary Jenner, which was read & on motion it was Resolved to concur with the House in said reference.

Rec^{d} from the House the account of Frye Bayley with an order of the House referring the same to the joint Committee of Claims, which was

read & it was then on motion Resolv[d] to concur with the House in said reference.

Rec[d] from the House the Engrossed bill entitled "an act directing the treasurer to pay John Barney the sum therein mentioned," which was read & Resolved to concur with the House in passing said Bill into a Law.

Rec[d] from the House the bill entitled "an act establishing a Cotton & Woolen Manufactory in Windsor" with an order of the House referring the same to the joint Committee on manufactures, which was read & it was Resolved to concur with the House of Representatives in said reference.

Adjourned to 2 OClock P. M.

2 Oclock P. M.—Council met pursuant to adjournment.

Rec[d] from the House the Engrossed bill entitled "an act incorporating Robert Bowne, Isaac Clason, John A. Graham & their associates," which was read & committed to Messrs Butler & French for examination.

Rec[d] from the House the engrossed bill entitled "an act appointing a Committee to lay out a road from Montpelier to Elmore," which was read & it was on motion Resolved to concur with the House of Repres[vs] in said Bill.

Rec[d] from the House the Engrossed bill entitled "an act directing the Treasurer to pay Elisha King the sum therein mentioned" which was read & it was then on motion Resolved to Concur with the House in passing the same.

Rec[d] from the House certain resolutions thereof of nonconcurrence with the proposals of amendment to the United States Constitution sent to the Governor of this State by the Executives of the States of Massachusetts, Virginia & Pennsylvania, which were read & it was Resolved to concur with the House in their resolutions of nonconcurrence to the said proposals of amendment aforesaid.

Rec[d] from the House the Engrossed bill entitled "an act directing the commissary General to procure ordinance for this State & appropriating a sum of money for the purchase of the same," which was read & it was resolved to concur with the House in passing the same with the following amendments: in Sec 2[nd] 7[th] line after the word "*Brigades*" add "*& the Captain of the Washington Artillery Company,*" & Mr Loomis assigned the reasons to the House.

The engrossed bill entitled "an act incorporating Robert Bowne, Isaac Clason & John A. Graham & others their associates" was again read & it was then Resolved to concur with the House in their said bill with the following amendments beginning at the words "*and also*" in the 6[th] line from the end of the bill & Erase the remainder, & Mr Butler assigned the reasons to the House.

The Petition of George Parker, Praying for a pardon, stating that he had been convicted &c. and was now confined in State's Prison, was now called up & on the question "shall the prayer of the petitioner be granted"? the Yeas & Nays were called for & Yeas were none; Nays were Gov. Brigham, Keyes, Chittenden, Loomis, Butler, Bliss, Crafts, G. Dennison, French, Seymour & Hunter. so the Prayer was not granted & the petition ordered to be dismissed.

The Petition of Beniah Woodward, Stating that he had been convicted of passing Counterfeit money & [was] now confined in State's Prison & praying for a remission of the fine & costs he having suffered the corporal part & imprisonment of said punishment, and the question was taken "shall the prayer of said Petition be granted so far as it relates to the fine & Costs"? The Yeas & Nays were called for & There were

Yeas Gov. Brigham, Keyes, Chittenden, Loomis, Bliss, Crafts, Dennison, French, Seymour & Hunter. Nays, Butler, so the prayer was granted so far as to remit the fine & Costs.

Adjourned to 9 OClock A. M. tomorrow.

SATURDAY October 28th, 1809, 9 O'Clock A. M.

The Council met pursuant to adjournment.

Recd from the House the account of David Sanford with an order of the House referring the same to the joint Committee of Claims, which was read & it was then on motion Resolved to concur with the House in their said reference.

Pursuant to the adjournmont of the joint Committee of the whole the Governor & Council met the House in the Reps. room in joint Committee for the purpose of receiving & making County appointments & after progressing in the same the Committee adjourned to 2 OClock P. M. Tuesday next, when the Governor & Council returned to their Chamber and then adjourned to 2 OClock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment.

The Bill entitled "an act incorporating Robert Bowne, Isaack Clason, John A. Graham & their associates," [was called up] and on motion it was Resolved to reconsider the last resolve on the bill concurring with the house in passing said bill with certain amendments, in order to propose further amendments, & on motion it was then Resolved to concur with the house in passing said bill as originally sent from the house to Council with the following amendments added to the bill: "Provided "also that nothing in this act contained shall operate to enable the said "corporation to hold, occupy or enjoy any rights & privileges to the ex- "clusion of any person, who before the passing of this act have acquired "any interest in the said grant to the said John A. Graham by purchase "or consent from him of the same or any part thereof." Mr Keyes assigned the reasons to the house.

Recd from the House the Engrossed bill entitled "an act directing the States Atty of Bennington County to Stay proceedings in a certain case therein mentioned" with an order of the house referring the same to a joint Committee of the House & Council, which was read & it was resolved to join in said reference of the House & Mr Dennison joined said Committee from Council.

Recd from the House the following Engrossed bills Viz. one entitled "an act granting to the heirs of Ezra Williams a rehearing in a certain case therein mentioned," one "directing the treasurer to pay the 1st Constable of Barnet the sum therein mentioned," one "directing the treasurer to pay Silas Alger Jr. & Samuel Bliss the sum therein mentioned," one "authorising Samuel Burnell administrator to the estate of Arba Green to sell certain lands therein mentioned," one "laying a tax of 3 Cents per acre on the town of Lyndon," one "altering the name William Arnold Razey," one "laying a tax of 4 Cents pr acre on the town of Wolcott," one "laying a tax of 4 Cents Pr acre on town of Billymead," & one "authorising Thankful Holmes & Jacob Holmes to sell real estate," which were severally read & it then was Resolvod to concur with the House in passing the same into laws.

Adjourned to 9 OClock Monday morning.

MONDAY October 30th 1809, 9 OClock A. M.

The Council met pursuant to adjournment.

The engrossed bill entitled "an act directing the Commissary General to procure ordinance for the State & appropriating a sum of money for the purpose of purchasing the same," which was sent down to the house with certain proposals of amendment (see page 264) was returned to the Council with a nonconcurrence of the house thereto, & Mr Olin appeared in the Council & assigned the reasons of the House, which were taken into consideration & it was then on motion Resolved to rescind from their former proposals of amendment and then concur with the House in passing said bill with the following amendments: in the 6th line from the top of section 2nd erase the word "*two*" insert "*one*," & in the next line after the word "*brigades*" insert "and the captain of the Washington Artillery Company." Mr Crafts assigned the reasons to the House.

Recd from the House the account of Oliver Barker with an order of the House referring the same to the joint Committee of Claims, which was read & it was Resolved to concur with the House in their said reference.

Recd from the House the bill entitled "an act to continue the act laying a tax of 2 cents pr acre on the town of Troy" with an order of the House referring the same to the 3d joint Committee of land taxes, & it was read & Resolved to concur with the House in their said reference.

Recd from the House the account of Freeman Vining for compensation for taking counterfeiters, with an order of the house referring the same to the joint Committee of Claims, which was read & Resolved to concur with the house in said reference.

The resolution of the House of Oct. 26th, 1809, which related to the Resolution of the State of Massachusetts proposing amendments to the constitution of the United States to prevent an embargo hereafter to be laid for more than thirty days after the beginning of the session of Congress next after the session in which said embargo was laid, [was called up.] The resolution of the house on the aforesaid [was] as follows, Viz. "Resolved that we do not concur in the amendments contemplated in the foregoing resolutions so adopted by the legislature of Massachusetts; And also Resolved that the governor of this State be requested to transmit copies of the foregoing resolution to the executive authority of the Several States," which being read it then was Resolved to concur with the house in their foregoing resolutions.

Received from the House the following resolution, Viz. "In Gen. Assembly Oct. 26th, 1809. Whereas His Excellency the Gov. of this State has communicated to this assembly certain resolutions adopted by the Legislature of the State of Pennsylvania proposing amendments to the Constitution of the United States so that [an] impartial tribunal may be established to determine disputes between the General & State Governments. And whereas such disputes are not so frequent nor of sufficient magnitude in our opinion to render such tribunal necessary: Therefore, Resolved That we do not concur in recommending the amendment proposed in the resolution aforesaid, & also Resolved that the Governor of this State be requested to transmit copies of the foregoing resolution to the executive authority of each of the several States. Attest W. D. Smith Clerk," which being read, it was Resolved to concur with the house in their said Resolution.

The bill entitled "an act directing the Commissary general to procure ordinance for this State & appropriating a Sum of money &c." which was sent down to the House with certain proposals of amendment was returned to the Council with a nonconcurrence of the house to the same,

& Mr Hutchinson appeared in Council & assigned the reasons of the House, & it was then taken under consideration of Council & on motion Resolved to rescind from the former proposals of amendment and then Resolved to concur with the house in passing said bill with the following amendments, (added to those which had been previously sent, & upon which the Council last rescinded) Viz. "10th line Sec. 1st erase the word "*two*" & insert "*one*," "13th line of same Sec. erase the word "*two*" & insert "*one*," in the 4th line of the Proviso erase the word "*two*" & insert "*one*."

Mr Butler was excused for the remainder of the session.

The Petitions of Landgrove, Windham, Peru, Winhall & Andover & Weston were called up & on motion Ordered to be laid over to the next session of the legislature.

Adjourned to 2 OClock P. M.

2 OClock P. M. Oct. 30th, 1809.—The Council met pursuant to adjournment.

Recd from the House the resolution "respecting Banks & the failure of bills," with an order of the House thereon referring the same to a Committee of three to join a Committee of Council, which was read & it was Resolved to concur with the House in their said reference.

Recd from the House the Petition of Milton for a land tax, with an order of the house thereon referring the same to the 3d joint land tax Committee, which was read & it was Resolved to concur with the House in their said reference.

Recd from the House the engrossed bill entitled "an act incorporating certain persons by the name of the Vermont Mineral factory Company," which was read & it was then Resolved, to concur with the house in passing the same with amendments.

The bill entitled "an act ascertaining the principles upon which the list of this State shall be made up," was called up & ordered to lie for further consideration.

Adjourned to 9 OClock tomorrow A. M.

Tuesday October 31st, 1809, 9 OClock A. M.

The Council met pursuant to adjournment.

Recd from the House a bill entitled "an act reviving a land tax on New Huntington &c." with an order thereon referring the same to the 3d joint land tax Committee; which was read & it was then on motion Resolved to concur with the House in said reference.

Recd from the House the bill entitled an act granting relief to John Vincent, with an order of the House referring the same to the joint Committee on the Petition of James D. Butler, which was then read & on motion it was Resolved to Concur with the House in their said reference.

Recd from the House the bill entitled an act constituting a Company of Artillery in Brattleboro, with an order referring the same to the joint Military Committee, which was read & it was Resolved to concur with the House in said reference.

The bill entitled "an act relating to writs of Error & Audita Querela" was called up & it was then Resolved to concur with the House in passing the same with the following amendment, Viz. "Provided neverthe-"less & it is hereby further enacted that this act shall not take effect "until the first day of January next, & that the Secretary of State be & "hereby is directed to cause this act to be printed as soon as may be

"three weeks succesively in the Vermont Republican printed at Wind-"sor & the Rutland Herald Printed at Rutland." And Mr Seymour assigned the reasons to the House.

The Engrossed bill entitled "an act incorporating certain persons therein named &c. by the name of the Middlebury Marble Factory company," was read & on motion [it] was Resolved to concur with the House in passing the same into a law.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

The following engrossed bills were rec[d] from the House Viz. one entitled "an act authorising the administrators of the estate of Jonathan Parker deceased to settle disputes &c." one Entitled "an act directing the treasurer to credit the town of Fayston the sum therein mentioned," one entitled "an act directing the treasurer to pay certain monies therein mentioned," one Entitled "an act directing the treasurer to pay Atherton Hall the sum therein mentioned," one entitled "an act directing the Treasurer to pay the sums therein mentioned," & one entitled "an act laying a tax of 4 cents pr Acre on the town of Coventry," which were read & it was on motion Resolved to concur with the House in passing the same into laws.

Mr Rich, Member of the House, appeared in Council & returned the bill entitled "an act incorporating certain persons by the name of the Vermont Mineral Factory Company," & assigned the reasons of the House for nonconcurrence of the proposals of amendment of Council—when it was resolved that in the proposed amendment the words "*thirty years*" should be erased & "*fifteen years*" inserted, & then it was Resolved to concur with the House in passing said bill as amended.

Rec[d] from the House a resolution of the House nonconcurring with resolution of the Legislature of Virginia, proposing to amend the Constitution of the United States that the House of Representatives may remove Senators of Congress, which was read & it was Resolved to concur with the House in passing said resolution of the House.

The bill entitled "an act establishing the principles upon which the list of this State shall be made," was called up & it was Resolved to concur with the House in passing the same with the following amendments, Viz. after the enacting clause erase the remainder of the bill, then add the following sections: "That any person within this State "having money on hand, or money due, or obligations payable either in "money or in cattle or any other Species of property, whether such obliga-"tions have become due or are payable at a future day, over & above the "debts due from such person, shall have the same set in the list at the "rate of Six dollars for every one hundred dollars, & it shall be the duty "of the person exhibiting to the listers a list of his polls, ratable estate "& property agreeable to the 9[th] Section of the Act to which this is an "amendment, to insert therein the amount of money on hand or due & "obligations of the description above mentioned over & above the debts "such person owes. Sec. 2[d] and it is hereby further enacted, that if the "listers of any town shall be of an opinion that any person has money on "hand or due or obligations of the description above mentioned over & "above the debts due from such person & has neglected to insert the "amount thereof in his list as aforesaid, or has inserted in his list a less "amount than he ought, the listers are empowered & it is hereby made "their duty to assess the person, so neglecting or so inserting too small "an amount, in such sum as in their opinion would be equal to six per "cent. on the amount such person has so neglected to put in his list, & "said listers shall notify the person so assessed of the amount of his

"assessment, and every person feeling him or herself aggrieved by such "assessment may have the same relief and in the same manner as in "other cases of assessment is allowed by the 8th Section of the act to "which this is an amendment, provided that the person asking such relief "shall disclose on oath before the justice of the peace to whom he ap- "plies for relief the amount of money he has on hand, or due, & of obliga- "tions over & above what is due or owing from him, which oath shall be "administered by the said Justice in the form following, to wit: You, A. "B., do solemnly swear (or affirm as the case may be) that you will "make a true & faithful dislosure of all monies on hand, debts due or "obligations payable either in money, cattle or any other description of "property, whether such obligations have become due or are payable at "a future day, over & above what is due or owing from you, according to "your best judgment & knowledge. So help you God. Sec 3d And it "is hereby further enacted, that all property in this State owned by "persons out of this State Shall be set in the list the same as if the "owner resided in this State," & Mr Seymour assigned the reasons to the House.[1]

Adjourned to 9 OClock tomorrow A. M.

Wednesday November 1st, 1809, 9 OClock A. M.

The Council met pursuant to adjournment.

Recd from the House the resolution appointing this morning the time for meeting in joint Committee of both houses for the purpose of choosing 13 directors of the State Bank & 5 Visitors of the State Prison, which was read and it was Resolved to concur with the house in passing said resolution with the following amendments: instead of "*this morning*" for meeting insert "*tomorrow morning*," & Mr Dennison assigned the reasons to the House. Recd information from the House of their concurrance to the above amendment.

Mr Austin, on motion of Mr Seymour, obtained leave of absence during the remainder of the term.

Recd from the House the following bills—one entitled "an act in addition to an act establishing a Turnpike Company by the name of the Missisquoi [Turnpike] Company," & one "giving the Northern turnpike company further time," &c. with orders of the house referring the same to the joint Turnpike Committee, which were read & it was Resolved to concur with the house in said reference.

Recd from the House the bills one entitled "an act to lay a land tax on the town of Barton," & one entitled "an act to revive a tax &c. on the town of Enosburgh Gore," with orders on each to refer them to 2d joint land tax Committee, which were read & Resolved to concur with the House in said reference.

Recd from the House the Engrossed bill entitled "an act relating to advertisements," and the bill "granting Caleb Hill a Ferry," [which] were read & it was on motion then Resolved to concur with the House in passing the same into laws.

The engrossed bills entitled, one, "an act establishing a Cotton & Woollen Manufacture at Windsor," and the bill entitled "an act establishing a Cotton & Woolen Manufacturing Company at Montpelier," were called up & read & it was on motion Resolved to concur with the House in passing the same into laws.

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[1] This third section is very inaccurately recorded in the journal, and is corrected above from the statute.

Rec^{d} from the House the following engrossed bills—one Entitled "an act granting to Edmund Knight a ferry," one "an act directing the treasurer to credit the town of Barnard the sum therein mentioned," one "an act assessing a tax of one cent on the dollar on the list of the present year" [state tax,] one "an act laying a tax of 4 cents on the acre on the town of Salem," one "an act Appointing a Committee to lay out a road from Derby to Guildhall," which were read & it was on motion then Resolved to concur with the house in passing them into laws.

Adjourned to 2 OClock P. M.

2 OCLOCK P. M.—The Council met pursuant to adjournment.

The Engrossed bill entitled "an act discharging David Ramsdill & others from a note therein mentioned," which had been sent down to the house which the nonconcurrance of Council, was returned from the House passed anew and Mr James Fisk appeared in Council & assigned the reasons, and the bill was read & it was Resolved to concur with the House in passing the bill.

Rec^{d} from the House the Eng^{d} bill entitled "an act granting to Ebenezer Clark a new trial," which was read & it was then Resolved to concur with the House in passing the same.

Rec^{d} from the House the engrossed bill entitled "an act in relation to the Winooski turnpike company," which was read & it was then Resolved to concur with the house in passing the same.

Rec^{d} from the House the Engrossed bill entitled "an act laying a tax on the County of Addison & for other purposes," which was read & it was Resolved to concur with the House in passing the same into a law.

Rec^{d} from the House the bill entitled "an act establishing & giving validity to the records of Waterford," which was read & was Resolved to Concur with the House in passing said bill into a law.

Adjourned to 9 OClock A. M. tomorrow.

THURSDAY November 2nd 1809, 9 OClock A. M.

The Council met pursuant to adjournment.

Rec^{d} from the House the following Engrossed bills—one En^{d} "an act authorizing the Surveyor General to procure certain records" &c. one Entitled "an act granting relief to an infirm Indian by the name of Joseph," which were severally read & it was Resolved to concur with the House in passing said bills into laws.

Rec^{d} from the House the accounts of Alexander Hutchinson and James H. Langdon, which were read & it was Resolved to concur with the House in referring them to the joint Committee of Claims.

Rec^{d} from the House the engrossed bill entitled "an act establishing a Company of Riflemen in the 3^{d} Regiment 2^{d} Brigade & 2^{d} Division," which was read & it was on motion Resolved to concur with the House in passing said bill into a law, with an amen^{t} that none shall be enlisted out of standing companies so as to reduce them below 60 rank & file.

Pursuant to resolution the Gov. & Council met the House in the Representatives' room in joint Committee to Elect directors of the State bank and visitors of State's prison, which was compleated & the Gov. & Council Returned & adjourned to 2 OClock P. M.

2 OCLOCK P. M.—Rec^{d} from the House the Engrossed bill entitled "an act releasing the body of Ebenezer Sawyer from arrest or imprisonment during his natural life," which was read & it was Resolved to concur with the House in passing said bill with the following amendments, Viz. in the title of the act erase the words "*natural life*" & insert "*Seven years*," and in section 2^{d} line 4th after the word "*confined*," [insert] "by

the authority & for the causes mentioned in the 1st Section of this act," & Mr Loomis assigned the reasons to the house.

Pursuant to adjournment the Gov. & Council met the House in the representatives' room for the purpose of compleating the County appointments & after compleating the same the Gov. & Council withdrew & returned to their Chamber.

Recd from the House the bill entitled "an act establishing a Manufacturing company at Barre," with an order of the house referring the same to the joint Committee of Manufactures, which was read & it was Resolved to concur with the House in said reference.

Recd from the House the engrossed bill entitled "an act altering the time of holding Franklin County Courts," which was read & it was Resolved to concur with the House in passing the same.

Adjourned to 9 OClock tomorrow morning.

Friday November 3d, 1809, 9 OClock A. M.

The Council met pursuant to adjournment.

Recd from the House the engrossed bill entitled "an act granting to James Lewis the right of keeping a ferry across lake Champlain from Addison Vt. to Moriah N. Y." which was Read & it was Resolved to concur with the house in [passing] said bill.

Recd from the house the following bills, Engrossed & sent up to the Governor & Council for revision & Concurrance or proposals of amendt, Viz. "An act laying a tax of one cent 5 mills per acre on the town of Marshfield," "An act laying 2 cents pr acre on the town of Bristol," "An act in addition to an act laying a tax of two cents per acre on the town of Canaan," "An act freeing the Body of Thomas Hodgkins from arrest," & "An act to remedy the mistakes of the present year in the List," which were severally read it was Resolved to concur with the House in passing the same into Laws. And also the following engrossed bills—"An act directing the State's Attorney of Bennington County to stay Proceedings against Aaron Wheeler & others," "An act granting relief to John Vincent," & one entitled "An act laying a tax of three cents per acre on the town of Irasburgh," which were read and it was Resolved to concur with the House in passing the same into laws.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council Met pursuant to adjournment.

Recd from the House the engrossed bill entitled "an act granting to Elisha E. Reynolds the right of Keeping a ferry," which was read & it was resolved to concur with the house in passing the same into a law.

Recd from the House the bill entitled "an act [in addition to an act] entitled an act establishing a State Bank," which was read & then it was Resolved to concur with the House in passing the same with the following amendments, Viz. in Sec. 1st line 2d, erase the Sect. from the words "*Vermont that*" to the words "who shall that," & in line 6th from the bottom insert "every contract made by the directors assigned to either Branch of the Vermont State Bank for borrowing money agreeably to the 5th Section of the act to which this is an amendment, or for any other purpose relating to the interest of such Branch, shall be binding on the whole of the directors of said Bank." Then in the Section 2d, after the words "*determine the*" insert "the sum each Branch shall be authorised to borrow & likewise the amount." And Mr Seymour assigned the reasons.

Recd from the House the Engrossed bills entitled, one, "an act directing the Treasurer of the State to pay Freeman Vining the sum therein

mentioned," one, "directing the treasurer to pay David Sanford the sum therein mentioned," & one entitled "an act laying a tax of 4 cents pr acre on the town of Fayston," which were read & Resolved to concur with the House in passing the same into laws.

Rec^{d} from the House the Engrossed bill entitled "an act in addition to an act for regulating & governing the militia of this State," which was read & it was Resolved to nonconcur with the house in passing said bill —and the following reasons were drawn up by the L$^{t.}$ Governor & sent to the House, Viz. 1^{st,} because it imposes a hard & unreasonable duty "upon those who are subject to do military duty & are appointed as "drummers & fifers—for they are obliged to attend with their respective "companies on their parades & also to attend all regimental reviews & "Parades &c. 2^{nd,} Because said bill gives the drum & fife majors the "power of Calling out the drummers & fifers of their respective regi- "ments, but gives them no power to enforce such call by inflicting any "penalty for nonattendance. 3^{d} because, generally, those who compose "the music of the Militia companies are frequently young men & lads "who are minors, who would be unable to spend so much time & be at "so much expence as would frequently result from being so called out. "4^{th,} Because there is no time fixed upon for their being convened, nor "any specified time that they may be held together when so called out— '& besides it is giving to Drum & fife majors the power never before "thought of: for these reasons & many more which may be adduced, the "Gov. & Council conceive it to lay an unreasonable duty upon that valu- "able Class of Citizens who by law are obliged to do military duty."

Rec^{d} from the house the Engrossed bill entitled "an act giving relief to [William] Scott, [John] Spencer & [Salmon] Elkins" was read & committed to Gov. Brigham, Messrs French & Crafts.

Adjourned to 9 OClock A. M. tomorrow.

SATURDAY November 4^{th,} 9 OClock A. M.

The Council met pursuant to adjournment.

Rec^{d} from the house the Engrossed bill entitled "an act laying a tax of 2 Cents pr acre on the town of Craftsbury," which was read & Resolved to concur with the house in passing the same.

Rec^{d} from the house the acct. of Oliver Barker with an order of the house referring the same to the joint claims [Committee,] which was Read & it was resolved to concur with the house in their said reference.

Rec^{d} from the House the account of the Visitors of the State's prison with an order of the house referring the same to the joint Committee of the State's prison, which was read & Resolved to concur with the house in said reference.

Rec^{d} from the House the following engrossed bills, one, en^{d} "an act directing the Treasurer to pay Alexander Hutchinson the sum therein mentioned," one En^{d} "An act for the relief of Alanson Ferris," & one entitled "an act to incorporate certain persons by the Name of the Vergennes Aqueduct Company," which were read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the bill entitled "an act empowering the land owners of Stowe to establish a resurvey," which was read & Resolved to concur with the house in passing the same with the following amendments: erase the word "*a*" in line 5^{th,} sec 1^{st,} after the word "*resurvey*," [and] insert the words "*already made.*"

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

Mr Keyes on motion & leave introduced a bill entitled "an act explanatory of a certain section of an act granting the Waltham turnpike corporation," which was read & ordered to lie.

Rec^{d} from the house the engrossed bills, one Entitled "an act laying a tax in the County of Franklin," one En^{d} "an act for the appointment of a Surveyor of Public buildings," and one entitled "an act legalizing the proceedings of Kirby," and one entitled "an act in addition to an act for the Probate of Wills & the settlement of testate & intestate estates," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the bill entitled "an act laying duties on Hawkers & Pedlers," with an order of recommitment to the former committee, which was read & it was Resolved to concur with the House in said reference.

Rec^{d} from the house the petition of the inhabitants of Hardwick with this order of the house thereon: "In Gen. Assemby Nov. 4th 1809. Read & referred to the joint Committee on the act laying out a road from Canaan to Holland. W. D. Smith Clerk," which were read & it was Resolved to concur with the house in said reference.

Adjourned to 9 OClock Monday morning.

Monday Nov. 6th 1809, 9 OClock A. M.

The Council Met pursuant to adjournment.

Rec^{d} from the house the following Engrossed bills, one entitled "An act providing for the sale of the laws of this State," one entitled "an act laying a tax of 3 cents pr acre on the town of Kingston," one entitled "an act relating to the jurisdictional line between the towns of Rupert & Pawlett," one entitled "an act to continue an act laying a tax of 2 cents per acre on the town of Troy," one entitled "an act laying three cents per acre on the town of Barton," one entitled "an act to continue an act entitled an act laying a tax of one cent five mills on each acre of land of Enosburgh Gore," and one entitled "an act in addition to an act entitled an act for regulating & governing the militia of this State," & one entitled "an act in addition of & amendment to an act constituting the Supreme Court of Judicature" &c. which were severally read & Resolved to concur with the house in passing the same into Laws.

Rec^{d} from the house the bill entitled "an act to exempt from taxes or assessments certain property," with an order of the house referring the same to the joint Committee of Manufactures, which was read & it was then on motion Resolved to concur with the house in their said reference.

Rec^{d} from the house the Engrossed bill entitled "an act freeing the body of Daniel Coit from arrest," which was now called up and it was then on motion Resolved to concur with the house in passing the same with these amendments, Viz. in Section 2^{d} line 1st after the words "*Enacted that*" erase to the words "*for the*" in the 5th line of the same section & insert "*the body of Daniel Coit be & hereby is freed from arrest on any civil process & his property be freed from attachment or execution*," & Mr Keyes assigned the reasons to the house.

Rec^{d} from the house the following resolution: "In General Assembly "Nov. 6th 1809. Resolved, the Governor & Council concurring herein, "that both houses meet in the representatives' room at 10 OClock fore- "noon on tuesday next for the purpose of adjourning the General "Assembly without day. Attest W. D. Smith Clerk," which was read & it was then ordered to lie on the table.

Resolved to concur with the house in passing the Bill entitled "an act directing the treasurer to pay Israel P. Dana the sum therein mentioned."

The bill entitled "an act Freeing the body of Jonathan H. Oak from arrest" was called up & read & it was then Resolved to concur with the house in passing the same with the following amendments, Viz. in 7th line of Section 1st, after the word "*Execution.*" erase the words "*Issued under the authority of this State.*" In Sec. 2nd, 4th line, after the word "*liberties*" erase "*of any prisoner which may hereafter be confined,*" and add the word "*thereof.*" Also add the following: "*Provided nevertheless that this act shall not extend to any present confinement under the authority of the United States,*" & Mr Loomis assign the reasons to the house.

Adjourned to 2 OClock P. M.

2 OClocx P. M.—Recd from the House the Engrossed bill entitled "an act relating to the duties of Proprietors' Clerks," which was read & Resolved to nonconcur with the House in passing the same & Messrs Loomis & Crafts appointed to draw the reasons as follows: "1st. Because the passing of this bill would deprive the proprietors of one essential corporate right, Viz. that of choosing their clerk. 2d. it would deprive them of the important right of making & holding their own Records, books, maps & papers of every name & nature appendant to the office of proprietors' clerk. 3d. It would be highly oppressive to subject the proprietors to prosecution & penalty for each month's neglect of compliance with requisites of the bill. 4th. Because it would subject the proprietors to the necessity of having their records &c kept, & duties of Clerk performed by a person appointed by the Town whose interest may be opposed to that of the proprietary. 5th. Because no material injury or inconvenience can arise under the existing laws as the proprietors are obliged to appoint their Clerk & Keep their records in the town if organized."

Recd from the house the engrossed bill end "an act laying a tax of 4 cents pr acre on the town of Waitsfield," one entitled "an act directing the treasurer to pay Joel Tinker the sum therein mentioned," one entitled "an act Laying a tax of 3 cents pr acre on the town of Westmore," which were read & it was then Resolved to concur with the house in passing the same into laws.

Recd from the house the following Engrossed bills, Viz. one Entitled "an act incorporating a Manufacturing Company in Barre," one entitled "an act for the relief of Thomas Whittle," one entitled "an act directing the State's attv to Stay a certain prosecution therein mentioned," one entitled "an act in addition to an act establishing the Passumpsic Turnpike Company," one entitled "an act directing the treasurer to pay Eleazer Wheelock the sum therein mentioned," one entitled "an act in addition to an act establishing a corporation by the name of the Missisqui Turnpike Company," one entitled "an act empowering Aaron Shepherd, Levi Stevens, & Mark Norris to make certain alterations in the County road leading to [from] Stanley's Mills to Montpelier," one entitled "an act directing the Treasurer to pay the sum therein mentioned," & one entitled "an act constituting a Company of Artillery in Brattleboro," which were read & it was Resolved to concur with the house in passing the same into Laws.

Recd from the house the engrossed bill entitled "an act making Vermont bills a tender for the payment of land taxes," which was read & Resolved to concur with the house in passing the same with an amendment striking out the last section. Mr Seymour assigned the reasons to the house.

Rec^{d} from the house an engrossed bill entitled "an act for the support of schools," which was read & it was Resolved to concur with the house in passing the same into a Law.

Rec^{d} from the House the engrossed bill entitled "an act in addition to several acts directing the mode of choosing State officers," which was read & it was Resolved to nonconcur with the house in passing the same, & Messrs Brigham & Loomis drew up the following reasons which were sent to the house, Viz. 1st, Because the provisions of the bill would tend to perplex & render uncertain the mode of admitting freemen, especially such as shall come from other States & shall offer themselves to become freemen. It would operate as a partial disfranchisement to those who are freemen & may remove from towns where they had been admitted, to other towns, within three calender months next preceding the time of holding freemen's meeting, and in such case they would be deprived of the privilege of voting for representatives, a right given them by the Constitution which cannot be taken away except upon the conviction of some criminal act. 2^{d}, Because multiplying the laws relative to freemen's meetings will tend to perplex & embarrass the proceedings of such meetings rather than render the same more intelligible, & altho' some evils may exist under the laws now in force, it is feared that passing the present bill will not diminish the number.

Adjourned to 9 OClock Tomorrow morning.

Tuesday November the 7th, 9 OClock A. M.

The Council met pursuant to adjournment.

Rec^{d} from the House the following engrossed bills, one entitled "an act incorporating a fire Company in Montpelier," one entitled "an act extending further privileges to the northern Turnpike Company," one entitled "an act providing for the regulation of the State's prison," one entitled "an act relating to manufactures," one entitled "an act directing the treasurer to pay James H. Langdon the sum therein mentioned," one entitled "an act for the relief of Winthrop Hill," & one entitled "an act to remedy a mistake in the act granting a tax to Barton," which were read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the House the bill entitled "an act appointing a committee to settle with the commissioners for building the State's prison," which was read & Concurred with this amendment Viz. insert in line 2^{d} from the bottom after the word "time," [the words] "*and draw orders on the treasurer for the amount due* [to] *said Visitors*," and Mr. French assign the reasons to the house.

Rec^{d} from the House a resolution requiring the trustees of the University of Vermont to make a report to the house next session relating to said University & its funds &c. which was read & Resolved to concur with the house in passing the same.

The resolution appointing a time to adjourn the Gen. Assembly was read & Concurred with an amendment erasing "*tuesday*" & inserting "*wednesday*." L^{t} Gov. [Brigham] assigned the reason.

The bill as reported by Mr. Seymour relating to the Waltham Turnpike Company was read & ordered to lie.

Adjourned to 2 OClock P. M.

2 OClock P. M.—The Council met pursuant to adjournment.

The following debenture of the Council was made out, read & accepted Viz.

	Days Attendance.	Amount of Attendance.	No. of Miles.	Amount of Mileage.	Whole Amount.
Paul Brigham Lt. Govr.	28	112	50	6	118
Elias Keyes	28	42	42	5 04	47 04
Horatio Seymour	23	34 50	58	6 96	41 46
Beriah Loomis	27	40 50	40	4 80	45 30
Samuel C. Crafts	24	36	42	5 04	41 04
Noah Chittenden	28	42	30	3 60	45 60
William Hunter	27	40 50	60	7 20	47 70
Frederick Bliss	27	40 50	52	6 24	46 74
Gilbert Dennison	16	24	116	13 92	37 92
Josiah Wright	12	18	150	18	36
Ezra Butler	20	30	12	1 44	31 44
Apollos Austin	17	25 50	76	9 12	34 62
Rollin C. Mallary Secy.	26	65	80	9 60	74 60
Israel P. Dana Sheriff.	28	42	30	3 60	45 60
Old Council					
Chauncey Langdon	2	3	75	9	12
Solomon Miller	2	3	30	3 60	6 60
Zerah Willoby	2	3	47	5 64	8 64
Asa Lyon	2	3	64	7 68	10 68
Samuel Fletcher	2	3	100	12	15
Reuben Hatch	2	3	50	6	9
Daniel Dana	2	3	75	9	12
John Elsworth	2	3	33	3 96	6 96
Haines French (of new Counl.)	24	36	80	9 60	45 60
William Page Junr. Secy.	3	7 50	60	7 20	14 70
		$628 50	918	110 16	$738 66

Recd from the House the Engrossed bill entitled "an act relating to the Winooskie Turnpike company," which was read & it was Resolved to concur with the house in passing the same into a law.

Recd from the House the engrossed bill entitled "an act directing the treasurer to pay Oliver Barker the sum therein mentioned," which was read & it was then on motion Resolved to concur with the house in passing the same with the following amendments: erase the words "*four hundred dollars*" & insert "*one hundred & fifty dollars*," & Gov. Brigham assign the reasons to the house.

Recd from the house the bill entitled "an act for the relief of [William] Scott, [John] Spencer & [Salmon] Elkins," was read & it was Resolved to concur with the house in passing the same with the following amendments: In 2nd page 4th line from the top erase the words "*as bail as aforesaid.*" In 7th Section erase the last line. Then add the following section, Viz. "Section 14. And it is hereby further enacted that if one or both of the Papers mentioned in this act should be discontinued, the notifications mentioned in this act may be made in some other paper printed in said County of Caledonia, & such notification or notifications shall be deemed & considered as valid as if the same should be made in the manner provided in this act," & Mr Loomis assign the reasons to the House.

Recd from the House the engrossed bill entitled "an act discharging the body of Thomas Reed from arrest," which was read & concurred.

Mr Hunter was appointed to receive the debenture from the Treasurer & deliver the same to the members.

Rec^{d} from the House the engrossed bill entitled "an act suspending civil process in Certain Cases & [for] other purposes," read & it was Resolved to concur with the house in passing the same with the following amendment: Sec. 2^{d} line 2^{d} erase the words "*and shall hereafter be rendered*" & in Sec. 4th line 2^{d} erase "*commenced & prosecuted*" & insert "*pleadings*"; in the 3^{d} line after the word "*indorsee*" insert "*in all cases where judgment has been rendered in favor of any indorsee.*"

The following resolution was introduced & carried, Viz. Resolved, the House of Representatives concurring herein, that all the unfinished business at the close of the present Session of the Gen. Assembly be referred to the next Session of the Legislature, directing it to be returned to the Clerk of the house of Representatives; & Ordered that the Secretary carry the same to the House for concurrance.

Rec^{d} from the house the engrossed bill entitled "an act making provision for the collections of debts due the [State] bank," which was read & Resolved to concur with the House in passing the same.

The bill entitled "an act relating to betterments" was called up and read & then it was Resolved to nonconcur with the house in passing the same.

Resolved that the Council do request & advise his Excellency to appoint the third Wednesday of April next to be observed as a day of fasting & prayer throughout this State & that he issue his proclamation accordingly.

Pursuant to the law empowering the Governor & Council to appoint a Surveyor of Public Buildings, the Governor & Council proceeded to the Choice: the ballots were taken, sorted & Counted and Sylvanus Baldwin had a majority of the votes & was declared duly elected, & the Secretary was directed to give him notice of his appointment.

Adjourned to 8 O'clock A. M. tomorrow.

Wednesday November 8th, 1809, 8 OClock A. M.

The Council met pursuant to adjournment.

The L^{t}. Governor introduced the following resolution: Resolved, that the Governor be advised to lay over to the next session of the legislature the petitions of Andover, Londonderry, Peru & Winhall respecting a New Regiment &c. without any further proceeding; which was read & it was Resolved to pass the same.

Rec^{d} from the house the following resolution, Viz. Resolved, the Governor & Council concurring herein, that the visitors of the State's prison shall in all things govern themselves according to the 7th Section and 7th article of the bye laws until the rising of the next Legislature; which was read & it was Concurred.

Rec^{d} from the house the bill "making appropriations for the present year," which was read & Resolved to concur in passing the same.

The resolution respecting unfinished business was returned from the house with their Concurrance.

Rec^{d} information from the House that they had concurred with the Governor & Council in their proposals of amendment to the following bills & that the same had become laws, Viz. "The bill appointing a Committee to settle with the commissioners for building the state's prison," The bill entitled "an act making Vermont State bank bills a tender for the payment of land taxes," The bill entitled "an act freeing the body of Ebenezer Sawyer from imprisonment during his natural life," "An act laying 2 Cents pr acre on the town of Groton," "An act to revive an act laying a tax of 2 cents pr acre on the town of Bakers-

field," "An act establishing a Rifle Company in 3d Reg. 2d Brigade & 2d Divisn," " An act concerning Writs of Error & audita querela," "An act ascertaining the principles upon which the lists of this State shall be made up," "An act incorporating the Vermont Mineral factory Company," "An act incorporating Robert Bowne, Isaac Clason & John A. Graham & their associates," "An act directing the Commissary General to procure ordinance for this State & appropriating a sum of money for the same," "An act directing the Treasurer to pay the sums therein mentioned," and " An act to exempt from taxes or assessments certain property therein mentioned."

Recd from the House the following message: The bill entitled " an act relating to the Waltham Turnpike Company," which was sent down for concurrance, was read & referred to the next Session of the Legislature. Extract from the Journals, Attest W. D. Smith Clerk.

Pursuant to the concurrant resolution of both houses the Gov. & Council met the house in joint Committee for the purpose of Electing a High Bailiff for the County of Franklin, which being compleated, the Throne of Grace was addressed by Elder Haynes the Chaplain of the house, and the Sheriff of Caledonia County then, by order of the Governor, by proclamation adjourned the Legislature without day.

A true Journal of Council,

Attest ROLLIN C. MALLARY, *Secy.*

THIRTY-FOURTH COUNCIL.

OCTOBER 1810 TO OCTOBER 1811.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

BERIAH LOOMIS, Thetford,
NOAH CHITTENDEN, Jericho,
ELIAS KEYES, Stockbridge,
JOSIAH WRIGHT, Pownal,
EZRA BUTLER, Waterbury,
FREDERICK BLISS, Georgia,
GILBERT DENISON, Guilford,
SAMUEL C. CRAFTS, Craftsbury,
HAINES FRENCH, Maidstone,
HORATIO SEYMOUR, Middlebury,
WILLIAM HUNTER, Windsor,
PLINY SMITH, Orwell.

ROLLIN C. MALLARY, Castleton, *Secretary.*
ISRAEL P. DANA, Danville, *Sheriff.*

BIOGRAPHICAL NOTICE.

PLINY SMITH represented Orwell in the General Assembly 1798 until 1810, when he entered the Council and served 1810 until 1813, and again 1815 until 1819. He was Assistant Judge of Rutland County Court 1805 and 1807 until 1811, and Chief Judge 1811 until 1820—making continuous public service for twenty-two years.—Deming's *Catalogue.*

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1810.

STATE OF VERMONT ss.

At a Session of the Governor & Council of the State of Vermont begun & holden at Montpelier in said State of Vermont on the eleventh day of October in the year of our Lord Christ one thousand eight Hundred & ten, the following is a true Journal of their proceedings. Present His Excellency Jonas Galusha Esquire Governor; His Honor Paul

Brigham Esq^r. L^t. Governor; The Honorable Elias Keyes, Josiah Wright, Frederick Bliss, William Hunter, Gilbert Dennison, Haines French, Samuel C. Crafts, Horatio Seymour, Noah Chittenden, Beriah Loomis & Ezra Butler Esquires Councillors. Rollin C. Mallary Secretary; Israel P. Dana Esquire Sheriff of Caledonia County.

Mr Leeland, from the House, appeared in Council and informed the Governor & Council that the House of Assembly had organiz'd and that they were ready to receive any communications that the Governor & Council may please to make, and then he withdrew.

Mr Seymour on leave introduced the following resolution: Resolved, that there be appointed a Committee of five members to join such Committee that the House may appoint for the purpose of receiving, sorting & Counting the votes for Gov., L^t. Gov., Treasurer. & Councillors for the year ensuing.—Members Chosen Messrs Keyes, Seymour, Butler, Crafts & Dennison. Ordered that the Secretary inform the House of the above proceedings.

Adjourned to 4 O'C. P. M.[1]

4 Oclock P. M.—Council met pursuant to adjournment.

The Gov. & Council proceeded to the Representatives' room when the following report was presented by the chairman of the Canvassing Committee which was read as follows:

To the General Assembly now sitting: The Committee app^d to receive, sort & count the votes for Gov., L^t. Gov., Treasurer & Councillors, do report & declare that His Excellency Jonas Galusha Esq^r. is Elected Governor; His Honor Paul Brigham Esq^r. is Elected L^t. Governor; Benjamin Swan Esquire is elected Treasurer; and that the Honorable Noah Chittenden, Beriah Loomis, Samuel C. Crafts, Gilbert Denison, Frederick Bliss, William Hunter, Horatio Seymour, Ezra Butler, Haines French, Josiah Wright, Pliny Smith, & Elias Keyes Esquires are Elected Councillors for the year ensuing. Elias Keyes for Com^ee.

Montpelier Oct 11^th, 1810.

The Gov. & Co. returned to their Chamber and adjourned to 9 O'C. A. M. tomorrow.

Friday October 12^th, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

The L^t. Governor & Council proceeded to the Representatives' room and after an address to the throne of Grace by the Chaplain of the House, the oaths of office were administered to the L^t. Governor & the members of the Council Except the Hon. Josiah Wright. The L^t. Gov. & Council returned to their Chamber.

The Hon. Josiah Wright appeared in Council when the Oaths of office were duly administered and he took his seat as Councillor.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment. No business appearing before the Gov. & Council they adjourned to 9 O'C. A. M. tomorrow.

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[1] *The Washingtonian* (Windsor) of Oct. 22 1801, states that the Washington Artillery Company, Capt. Nathan Doty, escorted the state and legislative officers and members to the State House, where "a pathetic, chaste, and appropriate Sermon was delivered by the Rev. Chester Wright, from Psalms, lxxxix, 15, "*Blessed is the people that know the joyful sound.*"

SATURDAY Oct. 13th, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

His Excellency the Governor, the Lt. Gov. & Council proceeded to the representatives' room, when the oaths of office were duly administered to His Excellency Jonas Galusha Esqr as Governor by His Honor the Chief Justice of the S. C. of the State of Vermont, when his Excellency made the following Speech.[1]

The Governor & Council returned to their Chamber.

Recd from the House a Resolution appointing Committees of the house to join a Committee from Council for the following purposes: one Committee to be denominated a Committee of "*Suspensions*," one denominated a Turnpike Committee, one denominated a Committee of Claims, one denominated the 1st land tax Committee, one denominated the 2d land tax Committee, one denominated the 3d land tax Committee, one denominated a Committee of New Trials, one denominated a Military Committee. The following members chosen on the part of the house to fill the foregoing Committees: Turnpike Comee E. Bailey, J. Aiken, Thrall, Clapp; Comee of Claims, Whitney, Barnes, Henry, D. Kimball; Suspension Comee, Farnsworth, Fisk, Gardner, Griswold; 1st Land Tax Comee, Fitch, Brownson, Kennon, Robinson; 2d land tax Comee, Dana, G. Rich, B. Kinney, Farley; 3d land tax Comee, Rising, Graves, Collins, Deming; Military Comee, Hendee, Whitney, Field; New Trial Comee, Hutchinson, Olin, J. Smith, Griswold. The foregoing Committees were joined from Council: Mr Keyes on Turnpike Comee, Mr Loomis on Comee of suspension, Mr Chittenden on 1st land tax; Mr Butler on 2d land tax; Mr Wright on 3d land tax; Mr Seymour on new trials; Gov. Brigham on Military Comee, and Mr Hunter on Comee of Claims.

Recd from the House a resolution appointing a committee denominated the Manufacturing Comee, which was read & Resolved to concur with the House in passing the same & Mr Crafts was appointed to join.

Recd from the house the petition of the inhabitants of Sherburne praying for the revival of a turnpike grant &c., also Remonstrance of the inhabitants of Wardsboro ag. the grant of a Turnpike, also The pet. of Chelsea Turnpike company, also The pet. of Thomas Hale for a turnpike, with orders on each to refer them to the joint Turnpike Committee, which were severally read & it was then on motion Resolved to concur with the House in the aforesaid reference.

Recd from the House the pet. of Mt. Tabor (which was called up) praying for a land tax, Pet. of Philadelphia for a land tax, Pet. for a land tax in Sterling, with an order of the house to refer them to the 1st land tax comee, which were read & it was Resolved to concur with the House in said reference.

The Pet. of Thomas Miller praying for an act of Suspension, also the Pet. of Jason Duncan praying for an act of Suspension, were recd with an order of the House on each refers the same to the jt. Committee of Suspension, which were read & Resolved to join said reference.

Recd from the House the Pet. of Ebenezer Markham praying for an act of Suspension which had recd an order of the House to refer the Same to the jt. Comee of Suspension, which was read & Resolved to concur in sd reference.

Recd from the House the Pet. of Sundry inhabitants of Windsor for the establishment of an Artillery Company, also the pet. of Rifle Company of Rutland praying for an alteration of the act of incorporation,

[1] For the speech see *Appendix* A.

with an order of the House on each referring [them] to the j^t. Military Com^ee, [and] it was Resolved to concur with the House in the above reference.

Rec^d the account of Johnson Richardson, the pet. of Levi Bennett, with an order on each referring them to the Joint Committee of Claims, which were read & it was Resolved to concur with the house in the afores^d reference.

Rec^d from the house the pet. of Beriah Loomis for an act of incorporation for the Mineral Co^y, with an order of the house referring the same to a Com^ee of 4 to join a Com^ee of Council, which was read & Mr Smith was appointed to join said Com^ee. Rec^d the pet. for a company to be called the "Thetford Mineral Company," with an order referring the same to the joint Com^ee on the last mentioned pet. of B. Loomis, which was read & it was Resolved to concur in s^d Reference.

The Pet. of the inhabitants of West Rutland praying for grant of an academy was rec^d from the House with an order referring the same to a Committee to join, which was read & it was Resolved to concur with the House in the above reference. Mr Chittenden was appointed to join.

The Pet. of Micah Howe to sell lands &c. with an order of the House to refer the same to a Com^ee of 4 to join, which was read & it was Resolved to join said Com^ee, & Mr Denison joined.

The Pet. of Sam^l. Smith was rec^d with an order of the House to refer the same to the j^t. Com^ee on the pet. of Micah Howe, which was read & it was Resolved to concur with the House in the above reference.

Rec^d from the House the pet. of the inhabitants of M^t. Tabor to Ratify proceedings, with an order of the house to refer the same to a Com^ee of 3 to join; read & Concur^d. Mr Bliss app^d to join said Committee.

Rec^d the pet. of Joseph Barney & Obadiah Wheeler with an order of the House to refer the same to a Com^ee of 4 to join a Com^ee of Council, which was read & Concurred & Mr French app^d to join.

Rec^d from the House the pet. of Jonathan Hastings with an order of the House to refer the same to the joint Com^ee on the pet. of J. Barney & Ob. Wheeler. Concurr^d.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

Rec^d from the House the pet. of Nathan Smith ag^t Sam^l Wells, praying that a new trial may be granted, with an order of the house to refer the same to the joint Committee of New Trials, which was read & it was Resolved to concur with the House in said reference.

Rec^d from the House the pet. of Joseph Mott, praying for a ferry at Windmill point, with an order of the house referring the same to a Com^ee of 4 to join a Com^ee from Council, which was read & it was then Resolved to concur with the House in their said reference & Mr Hunter Joined Said Committee.

Rec^d the Pet. of Lyman Hill with an order of the House referring the same to the joint Committee on the pet. of Joseph Mott, which was read & it was Resolved to concur with the house in said reference.

Rec^d the Pet. of the proprietors of Enosburgh with an order of the House referring the same to the Com^ee of 4 to join a Comm^ee of Council, which was read & it was Resolved to concur with the House in passing said reference & Mr French was appointed to join.

Petitions of Woodford & of David Lyman & David Lyman Jr. for land taxes, were rec^d with an order of the House on each referring the same to the 3^d land tax Com^ee, which were read & it was Resolv'd to concur with the House in passing the same.

Rec^d the pets. of the Inhabitants of Wallingford with an order of the

house referring them to a Com^ee of 3 to join a Com^ee of Council, which was read & it was Resolved to concur with the House in s^d order & Mr Bliss was app^d to join.

Rec^d the pet. of the inhabitants of Highgate with an order of the House referr^g the same to the joint Com^ee on the pet. of the Inhabitants of Wallingford, which was read & it was Resolved to concur with the house in said reference.

Rec^d from the house the pet. of the Inhabitants of M^t. Tabor for a land tax with an order of the house to refer the same to the first land tax Com^ee, which was read & concurr'd to join in said Reference.

Rec^d from the House the pet. of John Law with an order of the House referring the same to the [a] Com^ee of 4 to join a Com^ee of Council, which was read & it was Resolved to concur with the House in said reference. Mr Wright was app^d to join said Com^ee.

Pet. of Middletown was rec^d with an order of the House referr^g the same to a Com^ee of 4 to join a Com^ee of Council, which was read & Resolved to concur with the House in the afores^d reference & Mr Seymour Joined.

Rec^d the pet. of A. Konklin [Conklin] with an order of the house referring the same to the joint Com^ee on the pet. of Joseph Mott, which was read & it was Resolved to join in said reference.

Rec^d the pet. of Stephen R. Bradley Esq^r. with an order of the house referring the same to a Com^ee of 4 to join a Com^ee of Council, which was read & it was Resolved to concur with the house in said reference & Mr Butler was appointed to join.

Pets. of Kirby & Parkerstown on land taxes were rec^d with orders of the house on each referring them to the 2^d land tax Com^ee, which were read & Resolved to join in s^d reference.

Rec^d from the house the pets. of Peru & Highgate with orders on each referring the same to the joint 3^d land tax Com^ee, which were read & Resolved to concur with the house in said reference.

Rec^d from the house the pets. of the Select Men of Chelsea & of Luke Hitchcock with an order of the house on each to refer the same to the joint Com^ee of Claims, which was read & it was Resolved to concur with the House in said reference.

Adj^d to 9 O'C. A. M. Monday next.

Monday October 15^th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^d from the house a resolution appointing tuesday next at the opening of the house in the morning a time for both houses to meet in the representatives' room for the purpose of appointing Judges of the Supreme Court, which was read & it was Resolved to concur with the house in the above resolution.

Rec^d from the house a resolution appointing Tuesday next at 4 Oclock P. M. the time for both houses to meet in County Conventions for the purpose of making their nominations for County officers and the opening of the house on Wednesday morning for both houses to meet & receive them, which was read & it was Resolved to concur with the House in passing said resolution.

Rec^d from the house a resolution appointing a Committee on that part of His Excellency the Gov. Speech which relates to the University of Vermont, which was read & it was Resolved to concur with the house in said resolution. Messrs Crafts & Denison app^d to join said Com^ee.

Rec^d from the House the pet. of John Dunbar with an order of the house to refer the same to a Com^ee of 4 to join a Com^ee of Council. Con^d, & Mr Loomis app^d to join.

Rec^{d} from the house a resolution app^{g} a Com^{ee} of 4 members to join a Com^{ee} of Council to take into consideration a mode of ascertaining and settling claims to landed property, which was read & it was Resolved to concur with the house in passing said resolution & Mr Wright was app^{d} to join.

Rec^{d} from the house the pet. for an agricultural society in Franklin County with an order of the house referring the same to a Com^{ee} of 4 to join, which was read & it was Resolved to concur with the house in s^{d} reference & Mr Smith joined.

Rec^{d} from the house the pet. of Ephraim Strong with an order of the house referring the same to a Com^{ee} of 2 to join a Com^{ee} of Council, which was read & it was Resolved to concur in said reference & Mr. Denison was app^{d}.

Pet. of Navy for a land tax was rec^{d} with an order of the house referring the same to 2^{d} land tax Com$^{ee;}$ concur^{d}.

Rec^{d} from the House the pet. of Wardsboro N. D. [North District] praying for a separation of the town, with an order of the house to refer the same to the [a] j^{t} Com^{ee} of 4 to join, which was read & Resolved to concur with the house in said reference. Mr Crafts joined.

Rec^{d} the Pet. of Inhab. of Wardsboro S. D. [South District] with an order of the house to refer the same to the Com^{ee} on the pet. of Inhab. of Wardsboro N. D., which was read & it was Resolved to concur in said reference.

Rec^{d} the Pet. in favor of John Newton Jr. with an order of the house referring the same to the j^{t} Com^{ee} of New Trials, which was read & it was resol^{d} to concur in s^{d} reference.

Rec^{d} the Pet. of Eben^{r} Twiss with an order of the house refer^{g} the same to the j^{t} Com^{ee} of Suspension, which was read & it was Resolved to concur with the house in said reference.

Rec^{d} the Pets. of Amzi Pattison and Truman Powell with orders of the house on each referring them to the joint Com^{ee} of Suspension, which were read & it was Resolved to concur with the house in said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

Rec^{d} from the house the pet. of Fairfield for a land tax with an order of the house referring the same to the 3^{d} land tax Com^{ee,} which was read & it was Resolved to concur with the house in said reference.

Rec^{d} the pet. of South & Middle Hero respecting their public lands with an order of the house referring them to the j^{t} Com^{ee} on the pet. of Middletown, which was read & it was Resol'd to concur with the house in said reference.

Rec^{d} from the house the bill entitled an act in addition to [an act entitled] an act establishing the University at Burlington, with an order of the house calling the same up & referring the same to the joint Committee on that part of His Excellency's Speech that relates to the University of Vermont; read & it was Resol'd to join said reference.

Rec^{d} from the house a resolution appointing a Com^{ee} on that part of his Excellency's Speech which relates to education in general, which was read & it was Resolved to concur with the house in s^{d} reference & L$^{t.}$ Gov. joined.

Rec^{d} from the house the pet. of Moses Strong & al., praying for the continuation of a Turnpike &c. with an order of the house calling up the same and referring the same to the T. pike Com$^{ee;}$ read & Resolved to concur in said reference.

Rec^{d} from the house the bill entitled an act in addition to an act for

the Support of Schools, which was laid over from last session, called up by an order of the House & referr^{d} to the Joint Com^{ee} on Education in general, which was read & Resolved to concur with the house in the above reference.

Rec^{d} from the House the petitions of Abel Morrill & A. H. Hall praying for acts of Suspension, with an order on each referring them to the joint Com^{ee} of insolvency & suspension, which was read & it was Resolved to concur with the house in the above reference.

Rec^{d} the pet. of William Slade Jr. which had been referr^{d} to the j^{t} Com^{ee} of Claims, which was read & Concurr^{d} to join.

Rec^{d} from the House the pet. of Warren for a land tax with an order of the house referring the same to the 3^{d} land tax Com^{ee,} which was read & it was Resolved to concur with the house in said reference.

Rec^{d} from the house the account of Josiah Dunham with an order of the house calling up the same & referring it to the joint Com^{ee} of Claims, which was read & it was Resolved to concur with the house in said reference.

Adjourned to tomorrow 9 O'C. A. M.

Tuesday October 16^{th,} 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

Rec^{d} from the house a resolution appointing a time for meeting in joint Committee for the purpose of Electing an Auditor of accounts ag^{t} the State & a Surveyor General, which was read & it was then Resolved to concur with the house in passing the same.

Rec^{d} from the house a resolution appointing a Committee to enquire into the State of the [State] bank and report by bill or otherwise, said Com^{ee} to consist of a member from each County to join a Com^{ee} of Council, which was read & it was Resolved to join said Com^{ee} & Messrs Butler & Wright & French were app^{d}.

Rec^{d} from the house the bill enti^{d} an act providing for fire arms for the Militia of this State with an order of the house calling it up & referring it to the j^{t} Military Com^{ee}; read & concurr^{d}.

Rec^{d} from the house the pet. of Arlington for a turnpike with an order of the house referring the Same to the j^{t} Turnpike Com^{ee,} which was read & it was Resolved to concur with the house in said reference.

Rec^{d} from the house the pet. of Orange Turnpike with an order of the house referring the same to the j^{t} Turnpike Com^{ee,} which was read & it was Resolved to concur with the house in said reference.

Rec^{d} from the house the pet. for a land tax in Corinth with an order of the house referring the same to the 3^{d} land tax Com^{ee,} which was read & it was Resolved to concur with the house in the same reference. Rec^{d} the Pets. of Derby, Salem, Newark, Easthaven, Granby & Guildhall for land taxes with an order of the house calling up the same and referring it to the 3^{d} joint land tax Com^{ee,} which was read & it was Resolved to join in said reference.

Rec^{d} the pet. of the Inhabitants of Fairlee, W. Fairlee &c. for a turnpike with an order of the house referring the same to the joint Turnpike Com^{ee,} which being read it was Resolved to concur with the house in said reference.

Rec^{d} from the house the pet. of Daniel Brooks praying for a Turnpike with an order of the house referring the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in said reference.

Rec^{d} from the House the Pet. of Leonard Farewell for an alteration of Turnpike grants in Randolph, with an order of the house referring the

same to the joint Turnpike Com^ee, which was read & it was Resolved to concur with the house in said reference.

Rec^d from the House the Pet. of the inhabitants Mechanics of Windsor for a mechanic association &c. with an order of the house referring it to the j^t. Com^ee of Manufactures, which was read & Resolved to concur with the house in their said reference.

Rec^d from the house the bill entitled an act respecting [suits for] Landed property & modes of proceeding therein, with an order of the house referring the Same to the joint Com^ee on the resolution relative to landed property, which was read and it was Resolved to concur with the house in s^d reference.

The Gov. & Council proceeded to the Representatives' room pursuant to the concurrant resolution of both houses for the purpose of electing Judges of the Supreme Court, Surveyor General & Auditor of Accounts against this State, and after the same being compleated the Gov. & Co. returned to their Chamber.[1]

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Rec^d from the House the Bill entitled an act for a toll bridge over the narrows of Lake Memphramagog with an order of the house referring the same to a Com^ee of 4 to join a Com^ee of Council, which was read & it was Resolved to join in said reference. Mr Chittenden was app^d to join said Committee.

Rec^d the pet. of Silas Hathaway & al. with an order of the house referring the same to the joint Com^ee of Suspension, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the pet. of Silas Wright & al. with an order of the house referring the same to a Com^ee of 4 to join, which was read & it was Resolved to concur in said reference & Mr Smith app^d to join.

Pet. of William Potter Jr was rec^d with an order of the house referr^g the same to the joint Com^ee on the pet. of Silas Wright & al. which was read & it was Resolved to join in said reference.

Rec^d from the house the pet. of the Inhabitants of Swanton for a toll Bridge with an order of the house referring the same to the j^t. Com^ee on the pet. for a toll bridge on the narrows of Lake Memphremagog, which was read & it was Resolved to concur with the house in said reference.

Pet. of Inhabitants of Bristol for the repeal of the land tax was rec^d with an order of the house ref'ring the same to the 3^d joint land tax Committee, which was read & it was Resolv'd to concur in the above reference.

Rec^d the pet. of the inhabitants of M^t. Tabor for ratifying the Division of lands &c. with an order of the house referr^g the same to the j^t. Com^ee on the pet. of M^t. Tabor, which was read & it was Resolved to concur with the house in said reference.

Rec^d the pet. of the Inhabitants of Worcester for a land tax with an order of the house referring the same to the 1^st land tax Com also Pet. of Lincoln praying for a revival of the land tax on Bristol, with an order of the house referring the same to the 3^d joint land tax Com and the Pet. of Morgan praying for a land tax with an order of the house referring the same to the 2^d joint land tax Com^ees, which were severally read & it was resolved to concur with the house in each of the above references.

Rec^d from the House the bill entitled an act app^g a Committee to ex-

[1] Royall Tyler, Theophilus Harrington, and David Fay were re-elected judges of the Supreme Court; Alexander Hutchinson Auditor; and Joseph Beeman jr. Surveyor General.

amine the towns of Randolph, Royalton, Bethel & Tunbridge with an order of the house referring the same to a Committee of 4 to join, which was read & it was Resolved to concur with the house in said reference & Mr. Hunter was appd to join.

Recd from the house the pet. of the inhabitants of Brookline with an order of the house referring the same to the joint Comee on the pet. of Wardsboro N. District, which was read & it was Resolved to concur with the house in said reference.

Recd from the house the pet. for a medical society with an order of the house referring the same to a Comee of 4 to join a Comee of Council, which was read & it was Resolved to join said Committee & Mr French was appd.

Recd from the house the petition of John Fuller with an order of the House referring the same to the joint Committee of Claims, which was read & it was Resolved to join in said reference.

Recd the pet. of Gad Langdon & al. with an order of the house referring the same to a Comee of 4 to join a Comee of Council, which was read & it was Resolved to concur with the house in said Reference & Mr Crafts was appointed to join said Committee.

Adjourned to 9 O'C. A. M. Tomorrow.

Wednesday October 17th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

The Hon. Royall Tyler, Theophilus Herrenton [Harrington] & David Fay Esqrs. appeared in Council and the oaths of office were duly administered to him the said Royall Tyler Esqr. as Chief Judge, & to them the said Theophilus Herrenton & David Fay Esqr. as side or assistant Judges of the Supreme Court of Judicature and Court of Chancery of the State of Vermont for the year ensuing, when they withdrew.

Recd from the House the following Resolution: In General Assembly Oct. 16th, 1810, "Resolved, that His Excellency the Gov. be requested with and by the advice of Council to appoint the first thursday of December next to be observed as a day of public thanksgiving & praise throughout this State. Adopted. Attest W. D. Smith, Clk"—which was read & it was then Resolv'd to advise his Excellency accordingly.

Pet. of Caleb Farrar and Joseph Breck [received] with an order of the house on each referring the same to the jt Comee of Suspension, which being read it was Resolved to concur with the house in the said reference.

Pet. of Obadiah Walker for the continuance of a turnpike with an order of the house referrg the same to the jt Turnpke Comee, which was read & it was Resolved to concur with the house in said reference.

Recd from the House the pet. of Samuel Dakin & others with an order of the house referring the same to the jt Comee of Manufactures, which was read & it was Resolved to concur with the house in said reference.

The Gov. & Council met the house in the representatives' room for the purpose of receiving the County nominations pursuant to the concurrant resolution of both houses, and after progress the Committee adjournd to Saturday next, when the Gov. & Council returned to their Chamber.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd from the House the bill end an act suspending the collection of a demand against Jonathan Hastings & Luke Noble, [which] was read & Committed to Messrs Wright, Loomis & Seymour.

Pet. of Josiah Edson, praying for an act of insolvency, & the Remonstrance of Abijah Holton ag^{t} said Pet. were rec^{d} with an order of the house on each referring the same to the joint Committee of Suspension & insolvency, which were read & it was then Resolved to concur with the House in their said reference.

Rec^{d} from the house the pet. of Clark Conant with an order of the house referring the same to the j^{t} Com^{ee} on the pet. of Gad Langdon & al. which was read & it was Resolved to concur with the house in their said reference.

Pet. of the Inhabitants of Deweysburgh was rec^{d} with an order of the house to refer the same to a Com^{ee} of 4 to join a Committee of Council, which was read & it was Resolved to concur with the house in their said reference & Mr Keyes was appointed to join.

Rec^{d} from the House the pet. of the Inhab. of Roxbury & Brookline with an order of the House referring the same to the joint Com^{ee} on the pet. of Wardsboro N. D. which was read & it was Resolved to concur with the House in their said reference.

Rec^{d} the Pet. of Seth Wetmore &c. with an order of the House referring the same to a Com^{ee} of 4 to join & [it] was Resolved to concur with the house in their said reference & Mr Hunter was app^{d} to Join.

Pet. of Parley Davis was rec^{d} with an order of the house referring the same to the joint Com^{ee} of Claims, which was read & it was Resolved to join in s^{d} reference.

Rec^{d} the pet. of Asahel Noble against Hiram Curtiss for a new trial, with an order of the house referring the same to the joint Committee on new trials, which was read & it was Resolved to concur with the house in their said reference.

Adjourned to 9 O'C. A. M. To Morrow.

THURSDAY, October 18th, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

The Gov. directed the Secretary to transmit the [following] communication to the House:

To the Hon. Dudley Chase Esq^{r}· Speaker of the house of Representatives:

Sir, I transmit for the information of the House the resolutions of the legislatures of several of the United States on the different proposals of amendment to the Constitution of the United States by the legislatures of Massachusetts, Pennsylvania & Virginia. The papers are marked from No. 1 to No. 10 inclusive.

I have also to inform the house of the actual removal of Major General Eli Cogswell out of the State, and that of course the office of Major General of the 2^{d} div. of the Militia of this State becomes vacant. I have received & accepted the resignation of Gen. Samuel Strong, Major General of the 3^{d} div.; of Gen^{l} Caleb Hendee Jr. of the 2^{d} brigade & 2^{d} division, & of Gen. John Fuller of the 2^{d} brigade & 1st division of the Militia of this State. The Gen. Assembly will take those measures which they deem proper.

The paper marked No. 11 contains the information of the Commissary General respecting the contemplated purchase of artillery for the militia of this state. Should the subject require further attention, the Gen. Assembly will take the subject into their consideration.

There are now received by me 228 copies of the laws of the United States passed [at] the 2^{d} Session of the 10th Congress, they being this State's proportion of the same. The Gen. Assembly will please to direct the mode of distribution. With Respect, yours,

JONAS GALUSHA.

Hon. D. Chase Esq. S. G. A.

Rec^{d} from the house the following engrossed Bills: one entitled "an act for the relief of Ebenezer Markham," one entitled "an act for the relief of Thomas Law," one entitled "an act altering the name of Hiram Bigelow" [to Hiram Bigelow Strong,] which were severally read and it was Resolved to concur with the house in passing the same into Laws.

Rec^{d} from the house the following petitions, Viz. of O. Chapin & others for a turnpike; For a Turnpike through Plymouth; Of Inhabitants of Fairhaven, Castleton & Hubbarton; Remonstrance from Sudbury; [and] Pet. from Shrewsbury for a Turnpike, with an order of the house on each to refer them to the joint Turnpike Committee, which were read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the pets. of Nathan Shed, of Henry Whitcher, [and] of Oliver Harmon, with an order of the House on each referring them to the joint Com^{ee} of Claims, which being read it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the Pets. of Jonathan Ware, of Benjamin Waterman, [and] of Shipley Willis, with an order of the house to refer the same to the joint Com^{ee} of Insolvency & Suspension, which being read it was Resolved to concur with the House in their said reference.

Rec^{d} from the house the pet. of Middlesex for a land tax with an order of the House referring the same to the 1st joint Com^{ee} of land taxes, which being read it was Resolved to concur with the house in their said reference.

Rec^{d} the Pet. of Sheldon for a land tax with an order of the house to refer the same to the joint Com^{ee} on land taxes the 2^{d}, which was read & it was Resolved to concur with the house in passing the same.

Rec^{d} from the house the Pet. of the proprietors of Sheffield with an order of the house referring the same to a Com^{ee} of 4 to join a Com^{ee} of Council, which was read & it was Resolved to join said Com^{ee} of the House & Mr Bliss was app^{d}.

Rec^{d} from the house the pet. of Inhab. of Deweysburgh with an order of the house to refer the same to the joint Com^{ee} on the pet. to annex Deweysburgh to Peacham, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the pets. of John W. Blake & Curtiss Holgate with an order of the house on each to refer the same to the joint Committee on the bill for building a bridge across the narrows of Lake Memphramagog, which was read & it was Resolved to concur with the house in passing the same.

Rec^{d} from the house the pet. of Coit's Gore for a town by the name of Walpole, with an order of the house referring the same to the joint Committee on the pet. of Wardsboro N. District, which being read it was Resolved to concur with the house in their said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council Met pursuant to adjournment.

Rec^{d} from the house the Engrossed bill entitled "an act Suspending the collection of a demand ag$^{t.}$ Jonathan Hastings & Luke Noble," which was read & it was Resolved to concur with the house in passing the same into a law with the following proposals of amendment, Viz. "Sec 2$^{d.}$ *and it is hereby further enacted*, that the Clerk of the Supreme "Court in Bennington County be and hereby is authorised and im- "powered to issue an alias Execution on the aforesaid Judgment at any "time within one year after the first day of October next if the Jug$^{t.}$ be "not then paid, any law or usage to the contrary notwithstanding." [In

Section one] after the word "*year*" add from the "1st *day of October instant;*" after "*day of*" erase "*October*" & insert "*March last.*"

Recd from the house the pet. of Nathan Burton agent for the Franklin Artillery Co. with an order of the house referring the same to the joint Military Comee, which was read & Resolved to concur with the house in their said reference.

Recd the petitions of Ben. Porter, Sylvanus & Samuel Brigham, for a new trial, which were read & it was Resolved to concur with the house in referring the same to the jt. Comee of New trials.

Recd from the house the Pet. of Abel Platt with an order of the house referring the same to the joint Comee on the Pet. of John Dunbar, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the Pets. of Morgan & Victory praying for land taxes with an order of the house on each referring the same to the 3d joint land tax Comee, which were read & Resolved to concur with the house in their said references.

Recd from the house the pet. of Ira Allen praying for an act of Suspension with an order of the house referring the same to the jt Comee of Suspension & insolvency, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the pet. of the Rutland & Stockbridge Turnpike Company with an order of the house to refer the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in their said reference.

Recd from the house the pet. of Woodbury, Calais, & Montpelier for a land tax, with an order of the house to refer the same to the joint 2d land tax Comee, which was read & it was Resolved to concur with the house in their said reference.

The Pets. of Cavendish, for the pardon of Abel Whitman; of Royall Freeman; of N. Stevens; of John Flanigan; of George G. Giles; of Ephraim Lilly; of Chester Pease; of Abel Willard; of Benjamin Culver; Seth Paine, & of Michael Pardue; who state that they are confined to hard labor in the State's prison pursuant to sentences of the Supreme Court, for the terms of time in their pet. mentioned, praying for pardon, which were severally read and then Ordered to lie on the table.

The Pet. of Daniel Wilber, who had been convicted and Sentenced to hard labor, praying for a pardon, which was read & ordered to lie.

Adjourned to 9 O'C. A. M. Tomorrow.

Friday October 19th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the House the report of president of the State Bank with an order of the house to refer the same to the joint Commee on the resolution of [as to] the State Bank, which was read & Resolved to concur with the house in said reference.

Recd from the house the pet. for an academy in Addison with an order of the house referring the same to the joint Committee on the Pet. from West Rutland for an academy, which was read & it was Resolved to concur with the house in their said reference.

Pet. of proprietors of Orange with an order of the house referring the same to the joint Comee on the pet. of Mt. Tabor, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the pet. of Thos. Bird & others with an order of the house referring the same to the joint Comee of Manufactures, which

was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill en^{d} "an act directing the treasurer to pay the first constable of Lyndon the sum therein mentioned," and also the Pet. of John Barry, with orders of the house on each referring the same to the joint Committee of Claims, which were read & it was Resolved to concur with the house in their said reference.

Rec^{d} &c. the pet. of Horatio Reed & account, with an order of the house to refer them to the joint Com^{ee} on the pet. of Seth Wetmore, which being read it was Resolved to concur with the house in their said reference.

Rec^{d} the Pets. of Dexter Ward; of Artemas Moses; of Folsom Dean; and the pet. of Eleazer W. Keyes, each praying for an act of Suspension, with orders of the house on each referring the same to the joint Com^{ee} of Suspension, which being read Resolved to concur with the house in their said reference.

Rec^{d} &c. the Pet. of St. Johnsbury & Lunenburgh for land taxes, with an order of the house on each referring the same to the 2^{d} joint Land tax Committee, which was read & Resolved to concur with the house in their said reference.

The Pet. of Nathan Stephens, Stating that he had been convicted of Committing a Rape &c. praying for a pardon, was called up, read & ordered to lie on the table for consideration.

The Pet. of John Norton Jr. was called up, read & ordered to lie on the table for further consideration.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^{d} from the house the bill en^{d} "an act directing the treasurer to pay the sums therein mentioned," with an order of the house to refer the same to the joint Com^{ee} of Claims, which being read it was Resolved to concur with the house in passing the same order of reference.

Rec^{d} from the House the pet. of David Pike with an order of the house referring the same to the joint Com^{ee} on the Pet. of Stephen Roe Bradley, which was read & it was resolved to concur with the house in said reference.

Rec^{d} the memorial of Josiah Bates vs Lawrence Powers with an order of the house referring the same to the joint Com^{ee} of New Trials, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the pet. of proprietors of M$^{t.}$ Tabor, which had been this Session refer^{d} to a joint Com^{ee} who made report which was not accepted, and by order of the house referred to the same Comm^{ee,} which was read & it was Resolved to concur with the house in recommitting said petition to the afores^{d} Comm$^{ee.}$

Rec^{d} from the house a pet. for an Independant Company in Essex County, with an order of the house to refer the same to the joint Military Com^{ee,} which was read & it was Resolved to concur with the house in said reference.

Rec^{d} from the house the following Resolution: "In Gen. Assembly Oct. 19th 1810. Resolved, the Gov. & Council concurring herein, that both houses meet in the Representatives' room tomorrow morning at 10 O'C. for the purpose of Electing a Major General to fill the vacancy occasioned by the removal from this State of Gen. Cogswell; also a Major General to fill the vacancy occasioned by the resignation of Maj. Gen. Strong; and a Brigadier General to fill the vacancy occasioned by the resignation of Gen. Fuller, and also a Brigadier General to fill

the vacancy occasioned by the resignation of Gen. Hendee. Attest W. D. Smith Clk."—which being read, it was Resolved to concur with the house in passing the same.

The pet. of John Norton Jr. was called up and the Subject of the pet. being divided: the question being put "Shall the prayer of the pet. be so far granted as it relates to the remission of the fine?" and the yeas & nays being called for, they were,—Yeas None, Nays, N. Chittenden, Loomis, Crafts, Dennison, Bliss, Hunter, Seymour, Butler, French, Wright, Smith & Keyes. So the question was decided in the negative.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY Oct. 20th, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

The pet. of Nathan Stephens Jr. was called up read & on debate it was unanimously ordered to be dismissed.

Pet. of Obadiah Wheeler & Joseph Barney was recd with an order of the house recommitting the same to the joint Comee appointed on the same, which was read & it was Resolved to concur with the house in their said reference.

The Gov. & Council pursuant to adjournment met the house in joint Committee for the purpose of compleating the County appointments; and after progress [the joint Committee] adjourned to 2 O'C. P. M. They returned to their Chamber & Council adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

The Gov. & Council met the house in the Representatives' room agreeable to adjournment, & then [the joint Committee] adjourned to tuesday next 2 O'C. P. M. for the purpose of Electing Generals as by a resolution appointed; and to wednesday next at the opening of the house in the morning for the purpose of completeing County appointments. Then the Gov. & Co. returned to their Chamber.

The pet. of Benjamin Culver, praying for a pardon, was called up and on the question "Shall the prayer of said petition be granted?" The yeas & nays were called for & taken as follows: Yeas, Messrs Dennison, Hunter, French, Wright, Smith, Keyes & his Hon. the Lt. Governor. Nays were Messrs Loomis, Bliss & Seymour. So the question was decided in the affirmative and the prayer of said pet. was granted. The Gov. was requested by Council to issue a pardon to the said Benjamin Culver in the following form, to wit.

STATE OF VERMONT, SS. Whereas Benjamin Culver of Berlin in the County of Orange stands convicted of Record by the Supreme Court of Judicature at their session holden at Danville within & for the County of Caledonia on the third tuesday next following the fourth tuesday of August A. D. 1809, for the crime of Larceny, and has been sentenced by said Court in consideration of his offence to be confined to hard labor for the term of three years within the State's prison and to pay all costs of prosecution, in pursueance of which conviction and sentence the said Benjamin Culver is now confined in said prison: And whereas the said Culver hath preferred his petition to the Governor & Council praying for a pardon for his said offence and remission of his said sentence: In consideration of which the Governor & Council of said State have Voted & Resolved to pardon the said Culver and to remit the pains & penalties of said Sentence and have requested the said Governor to issue a pardon to him the said Culver in due form of Law: Now, be it Known to all to whom it may concern, that I, the undersigned, Governor in & over the State of Vermont, do in my own name & for & in behalf of the

Council of the State, for divers good causes, us, thereunto, especially moving, freely & fully Pardon the said Benjamin Culver: and by these presents, do remit, release & exhonerate the said Benjamin Culver of & from all legal disabilities, pains & penalties incurred in & by said Conviction & Sentence. In testimony whereof, I have caused the seal of the State to be hereunto affixed. Done in Council Chamber at Montpelier this 20th day of October A. D. 1810. JONAS GALUSHA.

By His Excellency's Command,

R. C. MALLARY, *Secretary.*

Ordered that the Secretary issue the following warrant:

IN COUNCIL CHAMBER, Montpelier, October [20] A. D. 1810.

To the Visitors, Superintendant & Keeper of the State's Prison, GREETING: Whereas Benjamin Culver of Berlin & County of Orange Stands convicted of Record, by the Supreme Court of Judicature at their Sessions holden at Danville within & for the County of Caledonia on the third tuesday next following the fourth Tuesday of August A. D. 1809, of the crime of larceny, and has been sentenced by said Court in consideration of his said offence to be confined to hard labor for the term of three years, within said State's prison, and to pay costs of prosecution: In pursuance of which conviction, and to carry said sentence into effect, the said Benjamin Culver is by virtue of a warrant issued by said Supreme Court, now a prisoner in your custody within said prison: And whereas the Governor & Council, on the humble petition of said Benjamin Culver, and [in] pursuance of the power vested in them by the Constitution, fully & freely pardoned the said Benjamin Culver, and have remitted all & singular the legal pains & penalties of said Sentence: These are therefore, *By The authority of the State of Vermont*, to command & require you and each of you, forthwith, no longer to restrain the said Benjamin Culver of his liberty, but permit him to go at large, from the walls of said prison, whither he will; strictly commanding you not to detain him for Costs of prosecution or on any other pretence whatever: of which doings these presents shall be your sufficient warrant.

By order of His Excellency the Governor & The Honorable Council.

Attest R. C. MALLARY *Secretary.*

Rec^{d} from the House the bill entitled "an act laying a tax of 3 cents per acre on the town of Greensboro'" with an order of the house referring the same to the joint 1st land tax Com^{ee}, which was read & it was Resolv'd to concur with the house in said reference.

Rec^{d} from the house the pets. of Daniel Stanniford & Jonah Grover, with an order of the house referring the same to the joint Com^{ee} of Claims, which were read & it was then Resolved to concur with the house in their said reference.

Rec^{d} from the house the pet. of Silas Hathaway, which had been previously committed to a Com^{ee} who made report, with an order of the house referring the s^{d} pet. to the afores^{d} Com^{ee}, which was read & it was Resolved to concur in their said reference.

Rec^{d} from the house the pet. of Samuel & Keron Pond with an order of the house to refer the same to a Com^{ee} of 4 to join, which was read & it was Resolved to concur with the house in s^{d} reference & Mr Seymour was appointed to join.

Rec^{d} from the house the pet. of Poultney Turnpike Co. with an order of the house referring the same to the joint turnpike Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} a Pet. for the Lyndon Manufacturing Company, with an order of the house referring the same to the joint Com^{ee} of Manufactures, which

was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the following engrossed bills, Viz. one entitled "an act directing the treasurer to pay Josiah Dunham the sum of ninety-one dollars"; one Entitled "an act incorporating a Company by the name of the Thetford Mineral Company," and one entitled "an act to incorporate a Company by the name of the Orange Mineral Company," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. Monday A. M.

MONDAY, October 22^{d}, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

Rec^{d} from the house the pet. of the Rifle Company in Rutland, which had been committed and then by an order of the house recommitted to the first app^{d} Com^{ee}, which was read; Resolved to concur with the house in their order of recommitment.

Rec^{d} the Pet. of Amos Babcock with an order of the house referring the same to the joint Committee of Claims, which was read & it was resolved to concur with the house in their said reference.

Rec^{d} the Pet. from Middletown for a turnpike, which was laid over from last Session and now called up, with an order of the house referring the same to the joint turnpike Committee, which was read & Resolved to concur with the house in their said reference.

Rec^{d} from the house the following engrossed bills: one Entitled "an act granting a tax of three cents pr acre on the town of Fairfield," and one entitled "an act to establish the town records of Eden," which were read & it was Resolved to concur with the house in passing the same into laws.

The following resolution was brought forward & passed: In Council Oct. 22^{d}, 1810. Resolved, the General Assembly concurring herein, that a joint Committee be appointed to take into consideration the operations of pardons, & their extent, granted to criminals, & they be instructed to report by bill or otherwise. Messrs Seymour & Loomis appointed to join a Committee the house may please to appoint. R. C. MALLARY *Sec.*

The pet. of Royall Freeman, praying for a pardon, was called up and on the question, Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows: Yeas, none; Nays were Messrs. Loomis, Denison, Bliss, Hunter, Seymour, French, Wright, Smith & Keyes; so the prayer of said pet. was not granted; and said pet. ordered to be dismissed.

The Pet. of John Flanigan was called, praying for a pardon, and on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & were taken—Yeas, none; Nays, Messrs Loomis, Denison, Bliss, Hunter, Seymour, Butler, French, Wright, Smith & Keyes; so the prayer of said pet. was not granted & said petition was ordered to be dismissed.

Pet. of George G. Giles was called up praying for a pardon, when the Yeas & Nays were called for & taken—Yeas, none—Nays, Messrs. Loomis, Denison, Bliss, Hunter, Seymour, French, Butler, Wright, Smith & Keyes—so the prayer thereof was not granted & said petition ordered to be dismissed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^{d} from the house the resolution of the house appointing a Committee of the house to join a Com^{ee} of Council to enquire what provis-

ion ought to be made for those who may be confined to goal on Executions in favor of the State, which was read & Resolved that the Co. concur in said resolution & Mr Wright was appd to join said Comee.

Recd from the house the bill entitled "an act respecting goal bonds" with an order of the house referring the same to a Comee of 4 to join, which was read & Concurred & Mr Smith joined.

Recd from the house the following engrossed bills, to wit: one entitled "an act concerning the grand list of Westminster;" "an act laying a tax of 3 cents pr acre on Middlesex;" "an act extending the time allowed to complete the Vergennes & Willsboro Turnpike road;" one entitled "an act assessing a tax on Peru," which were read & Resolved to concur with the house in passing the same into laws.

The resolution of Council appointing a Comee to take into consideration the extent & operation of Pardons was returned to Council concurred from the house & 5 members appointed to join the Commee of Council.

The bill entitled "an act for the relief of John Norton Jr." was introduced, read & passed, & ordered to be sent to the General Assembly for concurrance; on the question Shall said bill pass? the Yeas & Nays were called for & they were, Yeas Messrs Loomis, Dennison, Bliss, Hunter, Seymour, French, Wright, Smith & Keyes, & his Hon. the Lt Gov; Nays were Mr Butler.

Pet. of Danl Wilbur was called up and on the question Shall the prayer of said Pet. be granted? the Yeas & Nays were called for & were Yeas none; Nays Gov. Brigham, Messrs Loomis, Dennison, Bliss, Hunter, Seymour, Butler, French, Wright, Smith & Keyes. So the prayer of said Pet. was not granted & said Pet. ordered to be dismissed.

The pet. of Abel Whitman, praying for pardon, was called up; on the question Shall the prayer of said petition be granted? The Yeas & Nays were called for & were as follows: Yeas, none. Nays Gov. Brigham, Messrs. Loomis, Denison, Bliss, Hunter, Seymour, Butler, French, Wright, Smith & Keyes. So the prayer was not granted & the petition ordered to be dismissed.

The pet. of Bates Content, praying for pardon, was called up & on the question Shall the prayer of said pet. be granted? it then was ordered to lie for further consideration.

The pet. of Abel Willard, a convict of State's prison, praying for pardon, was called up & on the question Shall the prayer of said pet. be granted? the Yeas & Nays were called for & taken as follows: Yeas none; Nays Gov. Brigham, Messrs. Loomis, Denison, Hunter, Seymour, French, Butler, Wright, Smith & Keyes & Bliss. So the prayer of said pet. was not granted & said pet. ordered to be dismissed.

Recd from the house the request of the Corporation of the University of Vermont for a Committee with an order of the house referring the same to a Committee of 4 to join a Comee of Council, which was read & it was Resolved to concur with the house in their said reference & Messrs Brigham & Denison joined.

Recd from the house the engrossed bill entitled "an act freeing the body of Josiah Edson from arrest," which was read & Resolved to concur with the house in passing the same into a law.

Adjourned to tomorrow 9 O'C. A. M.

Tuesday October 23d 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

Recd from the house the bill entid "an act in addition to and amendment of an act for the probate of wills & testaments of testate & intestate

estates," with an order of the house referring the same to a Com^ee of 3 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Denison was app^d to join said Com^ee.

Rec^d the engrossed bill entitled "an act laying a tax of 4 cents pr acre on the town of Warren," which was read & it was Resolved to concur with the house in their said reference.

The pet. of Ephraim Libby, praying for a pardon, was now called up & on the question Shall the prayer of said petition be granted? the Yeas & Nays were called for & they were Yeas none; Nays, Messrs. Chittenden, Loomis, Crafts, Denison, Bliss, Hunter, Seymour, Butler, Wright, French & Smith. So the prayer of said pet. was not granted, [and] the pet. was Ordered to be dismissed.

The pet. of Chester Peas was called up praying for a pardon, which was read & on the question Shall the prayer of said pet. be granted? the Yeas & Nays were called for & taken as follows: Yeas, none; Nays Messrs. Chittenden, Loomis, Crafts, Denison, Bliss, Hunter, Seymour, Butler, French, Wright, & Smith. & so the prayer of said pet. was not granted & said pet. ordered to be dismissed.

Rec^d from the house the bill entitled "an act for the relief of John Norton Jr." (which had been sent down from Council) with a proposal of amendment of the house, which was read & Resolved to concur with the house in their proposal of amendment to said bill.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^d from the house the bill entitled "an act incorporating certain persons therein named by the name of the Warren Manufacturing Company," with an order of the house referr^g the same to the joint manufacturing Com^ee, which was read & it was Resolved to concur with the house in their said reference.

The Governor & Council proceeded to the Representatives' room & met the house in joint Com^ee for the purpose of electing Major & Brigadier Generals pursuant to adjournment, which being compleated they returned to their Chamber.[1]

The engrossed bill entitled "an act empowering Aaron Shepard, Levi Stevens & Mark Norris to make alterations, &c. [in the road between Montpelier and Greensborough] was read & it was Resolved to concur with the house in passing the same with the following amendment: "*Provided*, that said Committee Shall give at least twelve days notice previous, of the time when they will attend to resurvey said road, by posting up a notification thereof at the usual place for posting up warrants for town meetings in said Montpelier, and it shall be the duty of said Committee in all things to govern themselves agreeably to the provisions of an act entitled an act appointing a Committee to lay a road from Stanley's Mills in Greensboro to Montpelier, passed Nov. 7^th, 1809, and all persons specially concerned shall be entitled to all the same privileges under the same restrictions & regulations as are provided in the act last before mentioned."

Adjourned to 9 O'C. tomorrow A. M.

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[1] David Robinson and Hezekiah Barnes were elected Major Generals; and Jonas Cutting and Jonathan Ormes Brigadier Generals.

WEDNESDAY October 24th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house the engrossed bill entitled "an act directing the treasurer to pay Johnson Richardson the sum therein mentioned," which was read & it was Resolved to concur with the house in their said bill & that the same become a law.

Recd the account of Joseph Morrill 2d with an order of the house referring the same to the jt Comee of Claims: concurred.

Recd from the house the bill entitled "an act in addition to an act constituting a Company of Artillery in the town of Fairfax," with an order of the house referring the same to the joint Military Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd the Pet. of Apollos Hale for a turnpike, which had been referred to the jt Turnpike Comee with an order of the house referring the same to the aforesd Commee again, which was read & it was Resolved to concur with the house in their recommitment.

Recd from the house the bill entitled "an act directing the Treasurer to pay Witherell Wittum the sum therein mentioned," with an order of the house referring the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their said reference.

The petitions of Peru, Landgrove, Winhall, Londonderry, Andover & Weston, praying for a new Regiment, called up, read & the prayer of the said petitions granted and the petitioners had leave to bring in a resolution accordingly.

Recd from the house a resolution appointing a Committee to enquire if any Legislative interference is necessary relative to town meetings, to join a Comee of Council, which was read & it was Resolved to concur with the house in their said resolution & Mr Crafts was appointed to join.

Recd from the house a resolution relating to [lands for] public & pious uses with an order of the house appointing a Comee of 3 to join from Council, which was read & it was Resolved to concur with the house in said resolution & Mr Loomis was appointed to join said Committee of the house.

Recd from the house the bill entitled "an act establishing a corporation by the name of the Windsor aquaduct Coy with an order of the house referring the same to a Committee of 3 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Bliss was appointed to join said Committee.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Recd from the house the bill entitled "an act incorporating certain persons by the name of Champlain Cotton & Woolen factory Company," with an order of the house referring the same to the joint Comee of Manufactures, which was read & Resolved to concur with the house in their said reference.

Recd from the House the bill entitled "an act establishing the Thetford manufacturing Company," with an order of the house referring the same to the joint Manufacturing Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd the Report of the Committee of Conference appointed on the request of the University of Vermont, with an order of the house referring the same to the joint Comee on the bill relating to the University of Vermont, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} the pet. of Prudence Murdock, for a revival of Commission from Judge of probate, with an order of the house referring the same to the joint Com^{ee} of New trials, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house a bill enti^{d} "an act establishing a Company by the name of the Windham Co^{y} Turnpike Company" with an order of the house referring the same to the joint Comm^{ee} of Turnpikes, which was read & it was Resolved to concur with the house in their said reference.

Pet. of E. & T. Parker, praying for a ferry, with an order of the house referring the same to the Com^{ee} on the pet. of Joseph Mott, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the resolution relating to the [laws on the grand list] with an order of the house referring the same to the Com^{ee} of 4 to join, which was read & it was Resolved to concur with the house in their said resolution & Mr Keyes was app^{d} to join.

Rec^{d} from the house the following engrossed bills, Viz. one entitled "an act directing the treasurer to pay John Barry the sum therein mentioned;" one "an act laying a tax of 2 cents pr acre on the town of Sterling;" one "an act laying a tax on the County of Chittenden;" one "an act laying a tax of 2 cents pr acre on the town of Bristol," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the pet. of Inhabitants of Franklin Co^{y} respecting their County buildings, with an order of the house referring the same to a Committee of 4 to join, which was read & it was Resolved to concur with the house in their said reference. And Mr Chittenden joined.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 25^{th,} 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Pet. of sundry persons for a Glass Manufactory was rec^{d} with an order of the house referring the same to a Com^{ee} of 4 to join a Com^{ee} of Council, which was read & it was Resolved to concur with the house in their said reference & L^{t} Gov. Brigham was appointed to join.

Pet. of Inhabitants of Vershire was rec^{d} with an order of the house referring the same to the joint Com^{ee} on the pet. of Wallingford, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the pet. of Parley Davis, which had been committed to a joint Com^{ee} who made report and said Pet. recommitted to said Committee, which was read & Resolved to concur with the house in their said recommitment.

Rec^{d} from the house the resolution appointing Royall Tyler one of the Committee to settle with the Commissioners for building the State's prison, in the room of Elias Lyman who is absent, which was read & it was Resolved to concur with the house in their said resolution.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^{d} from the house the following engrossed bills: one entitled "an act directing the treasurer to pay Oliver Harmon the sum therein mentioned"; one entitled "an act granting relief to Levi Bennett"; one entitled "an act extending the time for compleating Poultney turnpike road"; and one entitled "an act for the relief of Artemus Moses,"

which were read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the bill entitled "an act relating to the Militia," with an order of the house referring the same to the joint Military Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the Engrossed bill entitled "an act for the revival of a land tax on New Huntington, Buell's & Avery's gore," with an order to refer the same to the 3^{d} joint land tax Committee, which was read & it was Resolved to concur with the house in their said reference.

The bill entitled "an act authorising Apollos Austin, Joseph Warner, & John Morton to remove obstructions in Otter Creek," [was received] with an order of the house referring the same to the joint Com^{ee} on the pet. of Silas Wright & others, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} the pet. of John McCullock & the Statement of Caledonia County Grammar School Corporation, with an order of the house referring the same to a Com^{ee} of 4 to join a Com^{ee} of Council, which was read & it was Resolved to concur with the house in their said reference & Mr. Seymour appointed to join.

Rec^{d} from the house the bill entitled "an act empowering the judges of Supreme Courts to adjust accounts not allowed in the fee bill," with an order of the house referring the same to a Com^{ee} of 4 to join a Committee of Council, which was read & Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill entitled "an act granting relief to Moses Wallace" with an order of the house referring the same to the joint Com^{ee} of Suspension, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} the engrossed bill entitled "an act laying a tax on the town of Guildhall," which was read & it was passed into a law.

Rec^{d} the engrossed bill entitled "an act laying a tax on the town of Granby," which was read & it was Resolved to concur with the house in their said bill.

Rec^{d} from the house the engrossed bill entitled "an act relating to Coopers," which was read & it was Resolved to concur with the house in passing the same into a law, with the following amendments, Viz. In the 9th line of the bill, after the word "*make*," erase the word "*and*," & after the word "*Sell*" add "*deliver;*" & in the 12th line after the word "*of*" erase "*five*" & insert "*one.*" Also add the following section, "Sec 2nd, *And it is hereby further enacted*, that all presentments, suits or informations against any person or persons for any offence against this act shall be made & commenced within thirty days after the commission thereof & not after;" & Mr Seymour assigned the reasons to the house.

Adjourned to 9 O'C. tomorrow morning.

Friday October 26th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^{d} from the house the following engrossed bills, Viz. one entitled "an act freeing the body & property of Truman Powell from attachment;" one, entitled "an act directing the treasurer to pay the sums therein mentioned;" one en^{d} "an act laying a tax on the town of Newark;" one en^{d} "an act laying a tax on the town of Easthaven;" one en^{d} "an act directing the treasurer to pay the first Constable of Lyndon the sum therein mentioned;" one en^{d} "an act directing the treasurer to pay

Witherell Wittum the sum therein mentioned," which were read & Resolved to concur with the house in passing the same into laws.

Adj^{d} to 2 P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^{d} from the house the bill entitled "an act appointing a Committee to alter the County road from Derby to Guildhall," with an order of the house referring the same to a Com^{ee} to join a Com^{ee} of Council. [Reference concurred in and] Mr Loomis was app^{d} from Council.

Rec^{d} from the house the bill en^{d} "an act granting relief to Ephraim Munson" with an order of the house referring the same to a Com^{ee} of 3 to join a Com^{ee} of Council, which was read & Resolved to concur with the house in their said reference & Mr Smith joined from Council.

Rec^{d} from the house the bill entitled "an act relating to town meetings" with an order of the house referring the same to a Com^{ee} of 3 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Crafts joined.

Rec^{d} from the house the bill entitled "an act establishing Sessions of Supreme Court in the County of Essex" with an order of the house referring the same to a Com^{ee} of 4 to join a Committee of the Council, which was read & Resolved to concur with the house in their said reference. Mr Chittenden joined.

Ordered, that the Secretary carry the following communication to the house: "*To the Hon. Dudley Chase Esq^{r}· Speaker of the House of Representatives: Sir*, I would through you inform you [the General Assembly] that Gen. Hezekiah Barnes has accepted the recent appointment of Major General of the 3^{d} division of the militia of this State. Of course the office of Brigadier General of the 2^{d} brigade & 3^{d} division becomes vacant. The Gen. Assembly will please to direct the mode of supplying the vacancy. JONAS GALUSHA.

Hon. D. Chase Esq^{r}· &c. &c."

Rec^{d} from the house the following engrossed bills: one en^{d} "an act to continue in force an act laying a tax of 3 cents pr acre on the town of Greensboro;" one entitled "an act incorporating certain persons therein named by the name of the Warren Iron Manufacturing Company," which were read & Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the engrossed bill entitled "an act constituting a new County by the name of Jefferson," which was read & it was ordered to lie on the table & made the order of the day to morrow morning.

Rec^{d} from the house the resolution appointing a Committee on the pet. of the selectmen of Eden to join a Committee of Council, which was read & Resolved to concur with the house in their said reference & Mr Seymour was app^{d} to join.

Rec^{d} from the house the bill en^{d} "an act legalizing the records of Jericho," also the pet. of Barre for legalizing town records, also the pet. of the proprietors of Caldersburgh [Morgan,] with an order of the house referring the same to the joint Committee on the pet. of the Selectmen of Eden, which were read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the account of Benjamin H. Oaks with an order of the House to refer the same to the joint Com^{ee} of Claims. Concurred.

Rec^{d} the Report of the Com^{ee} on the State Bank with an order of the house recommitting the same to the former Com^{ee}. Concur^{d}.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY, Oct. 27th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house the resolution appointing this morning at 10 O'C. for both houses to meet in jt Comee for the purpose of electing a brigadier General to fill the vacancy occasioned by the promotion of Brigadier Genl Hezekh Barnes to the rank of Major General, which was read & it was Resolved to concur with the house in their said reference.

Pursuant to the above resolution the Gov. & Co. met the house in joint Committee for the purpose therein mentioned, which being compleated they returned to their Chamber.[1]

Recd from the house the engrossed bill entitled "an act constituting a new County by the name of Jefferson," which was read & it was ordered to lie.

Recd from the house the bill entitled "an act for the relief of William Carley & Amasa Edson" with an order of the house referring the same to a Comee to join a Comee of Council; read & Resolved to concur with the house in their said reference & Mr Crafts was appointed to join.

Recd from the house the engrossed bill entitled "an act laying a tax of 3 cents pr acre on the town of Philadelphia," which was read & it was Resolved to concur with the house in passing the same into a law.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Benjamin Swan Esquire appeared in Council & presented a bond for the faithful discharge of his duty as a treasurer of this State, in the penal sum of *one hundred thousand dollars*, Signed by himself as principal & by Elias Keyes & Arad Hunt as Sureties, which was read & approved by the Governor & Council & accepted; when the oaths of office were duly administered to him the said Benjamin Swan as treasurer of the State of Vermont for the year ensuing. And he withdrew.

Recd from the house the following engrossed bills sent up to the Gov. & Council for their concurrance, Viz. one entitled "an act empowering the trustees of Caledonia County Grammar School to alter a certain contract made with John McCullock"; one entitled "an act making a compensation to Joseph Morrill 2d"; one entitled "an act incorporating certain persons by the name of the Lyndon Manufacturing Company," one entitled "an act incorporating certain persons therein named by the name of the Bennington Manufacturing Company," which were read & Resolved to concur with the house in passing the same into laws.

Adjourned to Monday next 9 O'C. A. M.

MONDAY October 29th, 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house the pet. of the Corporation of Middlebury College, with an order of the house referring the same to a Committee of 4 to join a Commee of Council, which was read & it was Resolved to concur with the house in their said reference & Messrs Bliss & Keyes were appd to join.

Recd from the house the pet. of Ebenr Marvin with an order of the house referring the same to the Comee of 4 to join, which was read & it was Resolved to concur with the house in their said reference, [and] Mr Butler was appd to join.

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[1] John Newell was elected.

Mr Chittenden Introduced the bill entitled "an act establishing State & County Medical Societies," which was read & Ordered to lie on the table for consideration.

Rec^{d} the pet. of Inhab^{ts} of Moretown for a Justice of the peace, with an order of the house referring the same to the members of the County [Chittenden] to join, which was read & it was Resolved to concur with the house in their said reference, & Mr Chittenden was app^{d} to join.

Rec^{d} from the house the bill entitled "an act on the pet. of Abraham Conklin," with an order of the house to refer the same to the joint Com^{ee} on the pet. of Joseph Mott, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the following engrossed bills, sent from the house for concurrance, revision or proposals of amendment, Viz. one entitled "an act establishing an academy in West Rutland"; one entitled "an act appointing Commissioners to make division of lands in Enosburgh"; one entitled "an act Suspending civil process against Dexter Ward"; one entitled "an act laying a tax of 2 Cents pr acre on M$^{t.}$ Tabor"; one entitled "an act Granting a ferry to Lyman Hyll" [Hill;] ditto "an act laying a tax of 3 cents pr acre on the town of Kirby"; ditto "an act laying a tax on the town of Corinth"; ditto, an act restoring John Dunbar to his legal privileges," which were read & passed into Laws.

Adjourned to 2 O'C. P. M.

2 O'C P. M.—The Council met pursuant to adjournment.

Rec^{d} from the house the bill entitled "an act relating to the duty of proprietor's clerks" with an order of the house referring the same to a Com^{ee} of four to join a Com^{ee} of Council, which was read & Resolved to concur with the house in said reference & Mr Keyes was appointed to join.

Rec^{d} from the house the following resolution: "In Gen. Assembly Oct. 29^{th,} 1810. Resolved, that the Committee appointed on the bill for causing the Supreme Court to hold a Session in the County of Essex be directed to enquire into the expediency of holding a Session in each of the Counties where said Court does not now sit, & report by bill or otherwise, which was read & adopted. Attest W. D. Smith Clk." which resolution was read & it was Resolved to concur with the house in passing the same.

Rec^{d} from the House the bill entitled "an act relating to goal bonds," which had been referr^{d} to a joint Com^{ee} who made report which was not accepted & said bill referred to said Comm^{ee,} which was read & Resolved to concur with the house in their said reference.

Rec^{d} from the house the [following] Engrossed bills, Viz. one entitled "an act granting relief to Prudence Murdock," & one entitled "an act making Vermont [State] bank bills a tender for a payment of land taxes," which was [were] read & it was Resolved to concur with the house in passing said bills into laws.

Pursuant to adjournment the Gov. & Council met the house in joint Committee for the purpose of compleating County appointments & after compleating the same the Gov. & Council returned to their Chamber.

The engrossed bill entitled "an act establishing an academy in West Rutland," which had been passed into a law, was now called up & the resolution of concurrence rescinded & then said bill was ordered to lie for further Consideration.

Rec^{d} from the house the following engrossed bills sent up for concurrance, revision or proposals of amendment, Viz. one en^{d} "an act laying a tax of 3 cents pr acre on the town of Highgate," one entitled "an act to legalize certain town records of Marshfield," one en^{d} "an act to

legalize the records of the town of Richmond," which were read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 30th 1810 9 O'C. A. M.

Council met pursuant to adjournment.

Pursuant to the Statute law of this State the Governor & Council proceeded to ballot for some suitable person for a Surveyor of public buildings for the year ensuing; & the ballots were taken, sorted & counted, when it appeared that Sylvanus Baldwin had a major part & was declared duly elected.

Recd from the house the engrossed bill sent for revision &c. entitd "an act empowering the Rutland & Stockbridge turnpike Corporation to remove gates," which was read & it was Resolved to concur with the house in passing the same with the following amendments, Viz. erase the three last lines of the bill & then insert the following: "travelling the old south road through said Sherburne to Bridgewater, nor travelling said South road from said Bridgewater to Rutland. *And be it further enacted*, that nothing in this act contained shall prevent said corporation from removing said gate back to said Sprout's again at any future time when they shall think best to remove as aforesaid," & Mr Keyes assigned the reasons of the house.

Gov. Brigham introduced, on leave, the following resolution: In Council October 30th, 1810. Resolved, that His Excellency the Governor be & hereby is advised to alter the east line of the 2d Division of the Militia of this State so that the towns of Windham & Londonderry in the County of Windham [and] Andover & Weston in the County of Windsor shall be contained in & belong to said 2d division, and that the towns aforesd shall belong to the first brigade of the 2d Division aforesaid. R. C. MALLARY *Secy*.

The Secretary was directed to enter the following order of his Excellency the Governor on the records of Council at large: "I, the undersigned, Governor in & over the State of Vermont, by & with the advice of Council expressed in the forogoing resolution, do hereby order & declare that the east line of the said 2d division of the Militia of this State shall run in such directions that the towns of Windham & Londonderry in the County of Windham, & the towns of Andover & Weston in the County of Windsor, may be contained in & belong to the said 2d division of the Militia of this State, and that the lines of said 1st brigade shall so run as to contain the towns above mentioned. And said towns shall be deemed & taken to belong to said 2d division & 1st Brigade thereof, for all military purposes whatever. JONAS GALUSHA."

Mr Seymour introduced a bill entitled "an act for the relief of Beniah Woodward," which was read, passed & ordered to be sent to the General Assembly for their concurrance.

Recd the engrossed bill entitled "an act incorporating the north & south Districts of Wardsboro into separate & distinct towns," sent for revision &c. which was read & Resolved to concur with the house in passing the same into a law.

Recd from the house the bill entitled "an act altering the times of Sitting of the Supreme Court in the Counties therein mentioned," with an order of the house referring the same to a Committee to join a Comee of Council; read & it was Resolved to concur with the house in their said reference.

Recd from the house the Engrossed bill entitled "an act appointing a

Committee to survey a market road from Orwell to Fairhaven," which was read & it was Resolved to concur with the house in passing the same into a law with the following proposal of amendment, Viz. Erase the 3d Section of the bill & insert the following section, Viz. "Sec. 3d. *It is hereby further enacted*, that the aforesaid Comee shall have the same power to assess damages & set over old roads and allowance lands in compensation for damages as given to Selectmen: & persons aggrieved shall have the same redress as is given in the first section of an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways." Gov. Brigham assigned the reasons to the house.

Recd from the house the engrossed bill entitled "an act for the relief of Moses Wallace," sent for revision &c. which was read & it was Resolved to concur with the house in passing the same into a law.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met purst to adjournment.

Recd from the house the bill entitled "an act constituting a Company of Artillery in Windham, Andover & Londonderry," with an order of the house referring the same to the joint Military Committee, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the pet. for a Medical Society in Caledonia County, with an order of the house referring the same to a Comee of 4 to join a Comee of Council, which being read, Resolved to concur with the house in their said reference & Mr Chittenden joined.

Recd from the house the bill end "an act appointing a Commee to lay out a road from Canaan to Holland," with an order of the house referring the same to a Comee of 4 to join a Comee of Council, which was read & it was Resolved to concur with the house in their said reference, & Mr Loomis was appd to join.

Recd from the house the bill entitled "an act relating to the State printing," with an order of the house referring the same to the Comee of 4 to join a Comee of Council, which being read, Resolved to concur with house in their said reference & Mr Bliss Joined said Committee.

Recd from the house the bill end "an act in addition to an act to prevent fraudulent speculations in Choses in actions," which was referrd by the house to a Comee of 4 to join a Comee of Council, which was read & Resolved to concur with the house in their said reference & Mr Seymour was appointed to join.

Recd from the house the pet. of Russell Corning & others, praying for the removal of Chittenden County buildings, with an order of the house referring the same to a Comee of 4 to join a Comee of Council, which was read & it was Resolved to concur with the house in their said reference & Mr Keyes was appd to join said Commee.

Recd the pet. of Henry Whitcher, which had been referred to a joint Committee who made report to Gen. Assembly & report not accepted with an order of the house to refer the same to the joint Commee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the bill entitled "an act laying a tax of 4 Cents pr. acre on the lands of Goshen gore," with an order of the house referrs the same to the 2d joint land tax Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the engrossed bill entitled "an act constituting a new County by the name of Jefferson," sent for revision &c. which was read & on the question shall the bill pass? the yeas & nays were called

for & taken as follows: Yeas, Messrs Brigham, Wright, Seymour, Bliss, Loomis & Chittenden—6; Nays, Messrs Keyes, Smith, French, Butler, Hunter, Dennison & Crafts—7: so it was decided in the negative. The following were the reasons drawn & ordered to be carried to the Gen[l] Assembly: "1[st.] That the Counties of the State of Vermont are considered sufficiently small for the accommodation of the Citizens, who must necessarily resort to the shire-towns of Counties. 2[d.] That when the State was organized into Counties, the greatest possible convenience of the people was consulted, great expence has been made in erecting public buildings for the accommodation of Courts, which in several Counties the Gov. & Council consider will be wholly sacrificed should the bill pass, because they consider that the present centre of other Counties will be destroyed and in order to prevent the greatest sacrifice of public convenience the public buildings of those other Counties must be removed, which would destroy large sums of public money expended in those buildings. 3[d.] The Gov. & Council consider that for the regularity of public business & to prevent confusion introduced, the Counties should be as permanent as the circumstances of the State will permit.

R. C. MALLARY *Sec[y.]*"

Rec[d] from the house the following engrossed bills sent up for revision &c. Viz. one entitled "an act laying a tax of 2 cents per acre on the town of Worcester;" one entitled "an act incorporating certain persons therein named by the name of the Thetford Manufacturing Company;" one entitled "an act for the removal of Samuel Pope Jr. from Woodstock Goal to State's prison," which were read & it was Resolved to concur with the house in passing the same into laws.

Rec[d] the engrossed bill entitled "an act in addition to an act in amendment of an act for the purpose of founding an University at Burlington," which was read & it was Resolved to concur with the house in passing said bill into a law, with the following proposal of amendment, Viz. in 7[th] line from the bottom of the bill erase the word "*forever*" & insert "*Subject to the order of a future legislature.*" Mr Loomis was appointed to assign the reasons to the house.

Rec[d] from the house the engrossed bill sent for revision &c. entitled "an act authorising the Franklin Independant Artillery Company to enlist from the Standing Companies," which was read & it was Resolved to concur with the house in passing said bill into a law.

Rec[d] from the house the following engrossed bills, sent from the house for revision &c. one entitled "an act in addition to an act establishing a Company of Riflemen in Rutland;" one entitled "an act to incorporate certain persons by the name of the Vergennes Agricultural Society;" one en[d] "an act granting a ferry to Joseph Mott;" & one entitled "an act laying a tax on the County of Caledonia," which were read & passed into laws.

Adjourned to 9 O'C. to morrow.

WEDNESDAY Oct. 31[st], 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

Rec[d] from the house the following engrossed bills, sent up for revision &c. one entitled "an act dividing the public lands in South & Middle Hero;" one entitled "an act to alter the times of holding meetings of Orange County Grammar School;" one entitled "an act relating to the public lands in the towns of Ferrisburgh & City of Vergennes," which were read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the engrossed bill entitled "an act relating to guardians app^{d} over drinking & disorderly persons," which was read & it was Resolved to nonconcur with the house in passing the same & the reasons were reduced to writing & returned to the house.

The engrossed bill entitled "an act empowering the Rutland & Stockbridge Turnpike Company to remove the gate [now] erected on the turnpike near Zebedee Sprout's," which had been sent down to the house with proposals of amendment, and was now returned by Mr Hutchinson, who informed the Gov. & Council that the house had not concurred with said proposals of amendment, when he withdrew & the bill was ordered to lie.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

The bill entitled "an act empowering the Rutland & Stockbridge Turnpike Co. to remove Gates" &c. which had been sent down with proposals of amend^{t} & returned, was now called up & it was Resolved to rescind from said proposals of amendment & to nonconcur with the house in passing said bill, which was returned to the house with the reasons therefor in writing.

The engrossed bill, entitled "an act constituting a new County by the name of Jefferson," which, yesterday, was nonconcurred by the Gov. & Council, was now returned again, passed, from the house to the Gov. & Council for their revision, concurrance &c. & on the question will the Gov. & Council concur with the house in passing this bill into a law? the yeas & nays were called for & taken as follows: Yeas, Gov. Brigham, Messrs Chittenden, Loomis, Bliss, Seymour, Butler, Wright & Keyes, 8; Nays, Smith, French, Hunter, Dennison & Crafts, 5: So it passed in the affirmative, & [it] was Resolved to concur with the house in passing said bill with the following amendment, which had been previously proposed, Viz. erase the 2^{d} Sec. & insert the following: "Sec 2$^{d.}$ *And it is hereby further enacted by the authority aforesaid*, that John Peck of said Waterbury, Gershom Palmer of said Calais & Nicolas Baylies of said Montpelier be and hereby are appointed a committee to designate the place in said County of Jefferson whereon to bulid a goal & Court house for said County, and by purchase or gift, procure sufficient land for that purpose, taking a deed of the same in trust for said County: and said committee are hereby authorised to proceed immediately to erect said Goal & Court house & expend such monies as shall be raised by subscription for that purpose, & when said Committee shall have erected by subscription a good & sufficient goal, together with a dwelling house annexed thereto, for the use of the keeper, & provide some convenient place for the Courts to be held at for the time being, to the acceptance of the judges of the Supreme Court, the said County of Jefferson shall be organized for the transaction of all legal public business as a County." Gov. Brigham was appointed to assign the reasons to the house.[1]

[1] The following account of the change of the proposed name of the new county to "Jefferson" was given in *The* [Windsor] *Washingtonian* of Nov. 25 1810 :

The Representatives of all the towns, which compose this County, met, and on motion of Mr. Robinson of Stowe, unanimously agreed, that it should be called WASHINGTON COUNTY. The name of "Washington" was inserted in the title of the Bill, tho' the blanks were not filled. When it was read in the house, Mr. [Henry] Olin moved to fill the Blanks with "Jefferson." It was then objected, that "Washington" was inserted in the title. Mr. Olin said it was undoubtedly inserted by

The bill entitled "an act in addition to an act &c. for the purpose of founding an University at Burlington," which yesterday passed with certain proposals of amendment, was now called up & the resolution of concurrance rescinded & ordered to lie for further consideration.

Rec^{d} the engrossed bill entitled "an act establishing an academy in Addison & County of Addison" sent up for concurrance &c. which was read & it was Resolved to concur with the house in passing the same into a law with the following amendment, Viz. after the word "*academy*" in line 4th of page 2^{d} of the bill [insert the words] "*to any am^{t} not exceeding three thousand dollars;*" & Mr French assign the reasons to the house.

The engrossed bill entitled "an act establishing an academy in West Rutland" was called up & it was Resolved to concur with the house in passing the same into a law with the following proposal of amendment, Viz. in the last line of section 3^{d} erase the words "*ten thousand dollars*" & insert "*three thousand dollars;*" and erase the whole of section 5th after the words "*all taxes.*" Mr French assigned the reasons to the house.

Rec^{d} from the house the Resolution of the house appointing tomorrow morning 10 O'Clock to meet in joint Comm^{ee} to choose directors of Vermont S^{t} Bank & Visitors of State prison, which was read & it was Resolved to concur with the house in said resolution.

Rec^{d} from the house the engrossed bill entitled "an act constituting a Company by the name of Jefferson Artillery Company," which was read & it was Resolved to concur with the house in passing said bill into a law.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY Novem^{r} 1st 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

Pursuant to the joint resolution of both houses the Governor & Council met the house in joint Com^{ee} for the purpose of electing Directors of the Bank & Visitors of State prison, which was in part compleated when the Committee adjourned to tomorrow morning at the opening of the house.

Rec^{d} from the house the bill entitled "an act in addition to an act establishing a State bank," which was read & it was Resolved to concur with the house in passing the same with several amendments.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

His Excellency directed the Secretary to deliver the Speaker of the House the following Communication:

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mistake. Mr. [Jacob] Smith of Royalton was in favor of "Washington," and observed that he should have no objection to the next County's being called "Jefferson." Mr. Titus Hutchinson then moved to strike out that part of the title which included the name of "Washington" &c. so that it would read "An act constituting a New. County" &c. which (Mr. Olin withdrawing his motion) was carried. Mr. Olin then renewed his motion to fill the Blanks with "Jefferson," which was also carried.

In Council, Judge [Elias] Keyes moved that the name of the County should be "Washington," but his motion was not seconded, and in this manner was it named, contrary to the unanimous voice of the petitioners by their Agents, Jefferson County.

In 1814, the name was changed to WASHINGTON, and the change has since been respected by all political parties.

To the Hon. D. Chase Esqr Speaker of the House of Representatives :—

Sir, I have to inform the house through you that Major General Curtiss of the 4th division, & Brigadier General Abner Forbes of the 1st brigade & 4th division of the Militia of this State, have delivered to me the resignations of their several offices aforesd which I have accepted. The Gen. Assembly will please to direct the manner of filling the vacancy. JONAS GALUSHA.

Recd from the house the engrossed bill entitled an "act to establish the proceedings of the proprietors of Orange," which was sent to the Gov. & Council for revision &c. which was read & Resolved to concur with the house in passing the same into a law.

Recd from the house the following engrossed bills sent up for concurrance &c. one entitled "an act laying a tax on Brownington," & one entitled "an act incorporating certain persons therein named by the name of the Champlain Cotton & Woolen Manufacturing Company," which were read & it was Resolved to concur with the house in passing the same into laws.

The engrossed bill entitled "an act in addition to an act & amendment of an act for the purpose of founding an University at Burlington," which had been ordered to lie, & was now called up & on the question, Will the Council rescind from their proposals of amendment? the Yeas & Nays were called for & taken as follows: Yeas Gov. Brigham, Messrs. Chittenden, Crafts, Dennison, Hunter, Butler, Wright; Nays, Loomis, Bliss, Seymour, French, Smith & Keyes. So the Council rescinded from their proposals of amendment & then on the question Shall the Gov. & Council concur with the house in said bill, It was decided in the affirmative, so the bill became a law.

Mr Hutchinson appeared in Council & returned the bill relating to the State bank, which had been sent down to the house with certain proposals of amendment, & informed the Gov. & Council that the house had concurred in all the proposals of amendment except the *first*, & then he withdrew: whereupon it was Resolved to concur with the house in passing said bill after rescinding the said first proposal of amendment.

Recd from the house the engrossed bill entitled "an act in addition to an act for the support of Schools," which was read & it was Resolved to nonconcur with the house in passing the same.

Recd from the house the following bills sent up from the house for concurrance &c. one end "an act in addition to an act constituting a Company of Artillery in the town of Fairfax," & one end "an act annexing the district of Deweysburgh in the County of Caledonia to the towns of Peacham & Danville," which were read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY November 2d, 1810, 9 O'C. A. M.

The Council met pursuant to adjournment.

The following resolution was introduced & passed: In Council Nov. 2d, 1810. Resolved that the Council advise his Excellency the Governor to appoint the third Wednesday of April next to be observed as a day of public fasting & prayer throughout this State; and that he be requested to issue his proclamation accordingly.

Recd from the house the account of Alexander Hutchinson & Sylvanus Baldwin with orders to refer them to the Comee of Claims, which were read & Resolved to join in sd reference.

Recd from the house the following resolution: In Genl Assembly Nov. 1st, 1810. Resolved, the Gov. & Council concurring herein, that the two

houses meet in the representatives' room tomorrow morning at 10 O'clock for the purpose of electing a Major General to supply the vacancy occasioned by the resignation of Zebina Curtiss; & also a Brigadier General to supply the Vacancy occasioned by the resignation of Brigadier Gen. Forbes. Attest W. D. Smith Clk," which being read it was Resolved to concur with the house in their said resolution.

The engrossed bill relating to Shoemakers was read & it was Resolved to nonconcur with the house in passing said bill & the reasons in writing were sent to the house.

His Excellency the Governor informed the Council that Jonathan Robinson Esquire had resigned his office of Commissary General, whereupon his Excellency was pleased with the advice of Council to appoint Samuel B. Young Esquire to fill the vacancy thus occasioned.

Rec^{d} from the house a resolution, dated Oct. 29^{th,} 1810, appointing friday then next at 10 O'C. for the purpose of adjourning the legislature without day, which was read & it was Resolved to concur with the house in said resolution with the following proposal of amendment: erase the words "*Friday morning*" & insert "*tuesday the 6th of Nov.*"

Pursuant to appointments the Governor & Council met the house in joint Committee for the purpose of electing Directors of the State Bank & a Major General & Brigadier General to fill the vacancies occasioned by the resignations of Maj. Gen. Curtiss & Brig. Gen. Forbes, which being done they returned.[1]

Rec^{d} from the house the following engrossed bills sent for concurrance &c. Viz. one en^{d} "an act to revive an act appointing a Committee to survey the road therein mentioned," one "an act granting relief to Ephraim Munson," one "an act laying a tax of three cents per acre on the Goshen Gore adjoining Plainfield," one "an act for the revival of an act for a land tax on New Huntington," one "an act relating to State printing," one "an act altering the name of Dalinda Wheeler to Cushman," one "an act to authorize Samuel Smith Jr. to deed certain lands therein mentioned," one "an act in addition thereto, appointing a Com^{ee} to Lay out & survey a road therein mentioned," which were read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} from the house the engrossed bill sent up for concurrance &c. en^{d} "an act in addition to the act for the Support of Schools," which was read & it was Resolved to nonconcur with the house in passing the same and that the following reasons be sent to the house, Viz. "1$^{st.}$ Because frequent alterations in the laws are attended with many serious inconveniences and never ought to be made unless such laws are materially defective, which the Governor & Council consider is the Case with those which relate to schools: 2$^{d.}$ Because in the opinion of the Gov. & Council, the towns & districts especially in the older part of the State are doing as much for the support of schools as is necessary; and the newer towns perhaps as much as they can, considering their circumstances, under the laws now in force. 3$^{d.}$ Because the Legislature so amended the laws that those embarrassments under which districts labored in raising money were removed so that a majority in each district have power to raise as much money for the support of schools as a majority may think best. 4$^{th.}$ Because the tax contemplated to be raised by this bill would go but little towards supporting schools; of course each district must resort to several different modes of raising & collecting money for the same purpose which they have usually done in one. This it is considered would be attended with inconvenience & perplexity.

Adjourned to 2 O'C. P. M.

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[1] William Cahoon was elected Major General and Seth Wood Brigadier General.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^{d} from the house the report of the Committee respecting the Visitors of the State's prison with an order of the house referring the same to a Com^{ee} of 3 to join, which was read & it was Resolved to concur with the house in their said reference. Mr Crafts was app^{d} to join.

Rec^{d} from the house the resolution appointing tomorrow morning the time to adjourn the legislature, which was read & it was Resolved to concur with the house after erasing the words "*tomorrow morning*" & insert "*Monday morning.*"

Rec^{d} from the house the resolution for both houses to meet in the representatives' room for the purpose of electing trustees to the University of Vermont, which was read & it was Resolved to concur with the house in their said resolution.

Rec^{d} from the house the following engrossed bills sent for concurrance &c. Viz. one en^{d} "an act incorporating certain persons therein named by the [name of the] president, directors & Company of the Vermont Glass factory," one "an act relating to the duty of proprietors' Clerks," one "an act in addition to an act for the support of Schools," one "an act directing the treasurer to pay the sum therein mentioned," one "an act establishing the rate of interest on Goal bonds & officer's receipts," which were read & it was Resolved to concur with the house in passing the foregoing bills into laws.

Rec^{d} the engrossed bill enti^{d} "an act to empower the Supreme Court to adjust accounts against the State," which was read & it was Resolved to nonconcur with the house in passing the same into a law. The reasons in writing were drawn up & delivered to the house as follows: "1$^{st.}$ Because it is believed that the passing of said bill will not prevent future applications to the legislature for compensation of services rendered this State as mentioned in said bill. A law of this nature would be considered as an invitation to exhibit accounts to said Court for adjustment; they would be numerous & enormous, & many of them of long standing. The more just of them would be allowed, & the rest of the applications, having been thus encouraged, would come before the legislature. 2$^{d.}$ Because it is believed the Supreme Court have given the fee-bill a very liberal construction with respect to claims of this nature; and that an alteration so material as the bill contemplates would not prove advantageous to the community at large. Our laws on this subject are of long standing, and the contemplated alteration may be attended with more serious consequences than was apprehended. To keep open the door for the exercise of true patriotism, may prove the mean of keeping closed the avenues to enormous expences."

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY Novem^{r} 3$^{d.}$ 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Personally appeared in Council the Hon. Elias Keyes, Aaron Leland & William Hunter, to whom the oaths of office were duly administered as Judges of Windsor County Court. At the same time the oaths of office were duly administered to Hon. Ezra Butler & Noah Chittenden Esqr$^{s.}$ as Judges of Chittenden County Court; also the oaths of office were duly administered to the Hon. Beriah Loomis Esquire as Judge of Orange County Court.

Rec^{d} from the house the engrossed bill entitled "an act laying a tax of 4 cents pr acre on the town of Sheldon," which was sent up for concurrance, which was read & it was Resolved to concur with the house in passing the same into a law.

Rec^{d} from the House the engrossed bill en^{d} "an act in addition to an act relating to the State prison," which was sent up for concurrance &c. which was read & it was Resolved to concur with the house in passing the same into a law with [adding] the following amendment, Viz. "Sec. 5. *And it is hereby further enacted*, that whenever any convict, who, in the opinion of the Visitors & Superintendant shall have been of quiet behaviour during his residence in the State's prison, and shall have fully complied with the sentence whereon he stands committed, and Costs of prosecution only remain unsatisfyed, and said convict shall be unable to pay the same, it shall be the duty of the Superintendant immediately to discharge said convict and suffer him to go at large whither he will, and the Superintendant shall at the same time execute and deliver to such convict a certificate showing a compliance with the sentance & that such convict is fully discharged." Mr Loomis was app^{d} to assign the reasons to the house.

The Hon. Noah Chittenden was excused for the remainder of the Session.

Rec^{d} the engrossed bill en^{d} "an act assessing a tax of one cent on the dollar on the list of the present year" [State tax,] which was sent for concurrance &c. which was read & it was Resolved to concur with the house in passing the same into a law.

Rec^{d} from the house the engrossed bill entitled "an act appointing a Comm^{ee} to alter the County roads leading from Chelsea by Danville Court house to the south line of Wheelock, and from Montpelier to Danville Court house," which was read & it was Resolved to concur with the house in passing the same with the following amendment, Viz. "Sec. 2^{d}. *It is hereby further enacted*, that any land owner, through whose land said road may be laid, shall be entitled to the same privileges as are given in the act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways." Mr Loomis was appointed to assign the reasons to the house.

Rec^{d} from the house the bill en^{d} "an act appointing a Committee to alter the market road leading from Derby to Guildhall," which was read & it was resolved to concur with the house in the same with proposals of amendment & Mr Crafts was [appointed] to assign the reasons to the house.

The bill entitled "an act relating to the State's prison, & punishment of crimes," which had been sent down to the house with proposals of amendment, was now returned from the house by Mr Fisk, who informed the Gov. & Council that the house had not concurred with said proposals of amendment & assigned the reasons of the house, when on motion it was Resolved to rescind from said proposals of amendment, and then it was Resolved to concur with the house in passing the same into a law, with further proposals of amendment.

Rec^{d} from the house the following engrossed bills, sent up for concurrance &c. one entitled "an act appointing a Comm^{ee} to look out a road," one, "an act directing the mode of electing town officers in the town of Canaan for the year ensuing," one "an act giving relief to William Carly & Amasa Edson," one "an act granting to Curtiss Holgate the exclusive privilege of erecting a wharf at Burlington bay in the County of Chittenden for the term of 20 years," & one "an act laying a tax of 4 cents pr acre on Navy" [Charleston,] which were Severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M. Nov. 3^{d}, 1810.—Council met pursuant to adjournment.

Mr Crafts introduced the bill entitled "an act repealing a certain act therein mentioned," which was passed & ordered to be sent to the Gen. Assembly for concurrance.

Rec^{d} the engrossed bill entitled "an act incorporating certain persons therein named by the name of Swanton Missisquoi Bridge Company," which was read & it was Resolved to concur with the house in passing the same with proposals of amendment & Mr Keyes assigned the reasons to the House.

Rec^{d} from the house the engrossed bill en^{d} "an act more clearly defineing the qualifications of Voters in town meetings," which was read, & it was Resolved to nonconcur with the house in passing the same & the following reasons were assigned to the house in writing, Viz. 1$^{st.}$ It would tend to invite to the practice of fraud by procuring Voters in town meetings to carry any disputed question, by reason whereof great injury may accrue to society as well as to individuals. 2$^{d.}$ That an innovation upon our general laws, which have been of long standing, would be justifyed only in case of necessity. 3$^{d.}$ The present existing laws appear fully competant.

Rec^{d} the engrossed bill en^{d} "an act in addition to an act reducing into one the several acts for laying out, making, repairing, & clearing highways," which was read & it was Resolved to non Concur with the house in passing the same into a law. The reasons in writing were assigned to the house.

The bill entitled "an act authorizing the proprietors of Caldersburgh [Morgan] to confirm the division of their lands," on which Mr Seymour was app^{d} a Committee, was now called up & Mr Bliss was appointed in his place.

Mr Crafts introduced the following resolution, which was passed: In Council Nov. 3^{d,} 1810. Resolved, the General Assembly concurring herein, that all the business which shall remain unfinished at the rising of the legislature shall be referred to the next session of the general assembly.

Rec^{d} from the house the resolution of the house giving permission to the Chief Judge of the Supreme Court to take the laws of the several States which belong to the State and are now in the hands of the executive, which was read & it was Resolved to concur with the house in passing said resolution.

The following debenture was read & accepted:

Mem. of Council.	No. of Miles.	Amount of Mileage.	Days.	Amount of Attendance.	Amount of Debentures.
Lt. Gov. P. Brigham	50	$6	26	$104	$110
Noah Chittenden	30	3 60	24	36	39 60
Beriah Loomis	42	5 04	26	39	44 04
Samuel C. Crafts	42	5 04	26	39	44 04
Gilbert Dennison	120	14 40	23	34 50	48 90
Fred. Bliss	55	6 60	26	39	45 60
Wm. Hunter	60	7 20	26	39	46 20
Horao. Seymour	58	6 96	23	34 50	41 46
Ezra Butler	12	1 44	26	39	40 44
Haines French	80	9 60	26	39	48 60
Josiah Wright	150	18	26	39	57
Pliny Smith	72	8 64	26	39	47 64
Elias Keyes	42	5 04	26	39	44 04
R. C. Mallary Secy	70	8 40	26	65	73 40
I. P. Dana Sheriff	30	3 60	26	39	42 60
Total amt	913	$109 56	382	$664	$773 56

Ordered, that Mr Crafts be appointed to receive the above debenture of the Treasurer.

Mr Hunter was appointed to join a Com^ee^ of the house for making up the appropriation of the present year.

The bill en^d^ "an act in addition to an act reducing into one the several acts &c. respecting highways," which was returned to the house non-concurred, was now sent to Council passed again by the house & the reasons assigned by Mr Olin, when the vote of nonconcurrance was rescinded & the bill passed into a law.

Rec^d^ from the house the following engrossed bills, sent for concurrence &c. one entitled "an act incorporating certain persons therein named by the name of the Magog bridge Company," one "an act laying a tax of 2 cents pr acre on the town of Derby," "an act appointing a Committee to alter the jurisdictional lines between Highgate, Swanton and Huntsburgh," "an act legalizing town proceedings wherein officers were not free holders," "an act empowering Apollos Austin, Joseph Warner, & Pliny Smith to remove obstructions at or near the falls in Vergennes," "an act in addition to an act establishing a State Bank," "an act directing the State Treasurer to pay the sum therein mentioned to Sylvanus Baldwin," "an act appointing a Com^ee^ to examine into the situation & expenditures of the State's prison & other purposes," "an act appointing a Com^ee^ to examine [accept] the State Prison [and] to cancel bonds" &c. "an act making appropriations for compleating State's prison," "an act directing the treasurer to pay the sum therein mentioned," "an act granting relief to Joseph Barney & Obadiah Wheeler," "an act altering the name of Middle Hero," "an act relating to the probate of Wills & settlement of testate & intestate estates," "an act in addition to an act entitled an act for the relief of Idiots & distracted persons," "an act laying a tax on Morgan," "an act authorizing the proprietors of Sheffield to establish a former survey & allotment of said town," "an act granting a new trial to John Levake," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. A. M. Monday next.

MONDAY Novem^r^ 5^th^ 1810, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^d^ from the house a resolution directing the Treasurer of this State [to convey to the Governor] Eighteen volumes of the revised laws of this State, and that the Governor of this State be requested to transmit them to the several Governors of the several States & to the Governors of Upper & Lower Canada, which was read & it was Resolved to concur with the house in their said resolution with the following amendments, Viz. in the third line of the Resolution erase the word "*Eighteen*" & insert "*Sixteen.*" Then erase the words "*and also to the Governors of Upper & Lower Canada.*" Then add the following: "And the auditor of accounts is hereby directed to allow the Governor all reasonable expences in sending the same to the several states."

Rec^d^ the Engrossed bill entitled "an act making appropriations for the support of Gov^t^ the present year," which was read & it was Resolved to concur with the house in passing the same.

Pursuant to the concurrant Resolution of both houses, The Gov. & Council met the house in the Representatives' room & after the address to the Throne of Grace by the Reverend Chaplain of the House the Legislature was adjourned without day. A true Journal,

Attest R. C. MALLARY *Sec^y^*.

THIRTY-FIFTH COUNCIL.

OCTOBER 1811 TO OCTOBER 1812.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

BERIAH LOOMIS, Thetford,	GILBERT DENISON, Guilford,
NOAH CHITTENDEN, Jericho,	SAMUEL C. CRAFTS, Craftsbury,
ELIAS KEYES, Stockbridge,	HORATIO SEYMOUR, Middlebury,
JOSIAH WRIGHT, Pownal,	WILLIAM HUNTER, Windsor,
EZRA BUTLER, Waterbury,	PLINY SMITH, Orwell,
FREDERICK BLISS, Georgia,	JOHN CAMERON, Ryegate.

ROLLIN C. MALLARY, Castleton, *Secretary.*
ISRAEL P. DANA, Danville, *Sheriff.*

BIOGRAPHICAL NOTICE.

JOHN CAMERON represented Ryegate in the General Assembly 1797, '8, 1801 until 1806, 1807 until 1810, 1820, and 1832. He was Councillor 1811 and '12. He came from Scotland to Ryegate in 1790, and purchased one thousand acres of land in the western part of the town, and afterwards at "the corner," where he built the first store in Ryegate. He was a man of large mental endowments and his influence was felt far beyond his town, commanding the confidence of both political parties. He was Assistant Judge of Caledonia Court 1806 until 1811, and Chief Judge 1811 until 1814. He died in 1837, aged 76 years. His first wife was a daughter of Gen. John Stark. — Deming's *Catalogue;* and *Vt. Hist. Mag.* Vol. I, article "Ryegate."

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1811.

State of Vermont ss. A Journal of the proceedings of the Governor & Council of the State of Vermont at their session begun & holden at Montpelier in said state on the second thursday of October A. D. 1811, being the tenth day of said month. Present, His Excellency Jonas Galusha Esq^r. Governor; His Honor Paul Brigham Esquire L^t Governor; The Hon. Josiah Wright, Noah Chittenden, Pliny Smith, W^m. Hunter, Samuel C. Crafts, Frederick Bliss, Ezra Butler, Beriah Loomis, Gilbert Dennison, & Elias Keyes Esquires [Councillors.] Rollin C. Mallary Secretary; Israel P. Dana Esq^r. Sheriff of Caledonia County.

Mr Smith, from the house, appeared in Council & informed the Gov. & Council that the General Assembly had organized & were ready to proceed to business.

The Secretary was directed to inform the house that the Gov. & a quorum of the Council had convened & were organized & ready to proceed to business & to receive any communications the house should think proper to make. The Secretary informed the House accordingly.

Mr Luce, from the house, appeared in Council & informed the Gov. & Council that the house had app^d a Committee to receive, sort & count the votes for the State officers for the year ensuing, when it was Resolv^d to appoint a Committee of 5 members to join said Com^ee of the house. And Messrs. Chittenden, Hunter, Crafts, Loomis & Wright were appointed & sworn agreeable to Law. The Secretary was directed to inform the house that they had appointed a Committee on their part to join a Committee appointed by the house as a canvassing Committee. The Secretary informed the house accordingly.

Adjourned to 4 O'C. P. M.[1]

4 O'C. P. M.—Council met purst. to adjournment.

Mr Luce appeared in Council & informed that the house had assembled & were ready to receive the report of their canvassing committee. The Gov & Council proceeded to the Representatives' room to meet the house in joint Committee, when the following report was read, Viz.

"*To the Hon. General Assembly now sitting:* The Committee appointed for the purpose of receiving, sorting & counting the votes for Governor, L^t. Governor, Treasurer, & Councillors for the year ensuing, do report & declare that His Excellency Jonas Galusha is elected Governor; His Honor Paul Brigham is elected L^t. Gov.; Benjamin Swan Treasurer; & The Hon Samuel C. Crafts, Ezra Butler, Horatio Seymour, Elias Keyes, Frederick Bliss, Beriah Loomis, Pliny Smith, Gilbert Dennison, Josiah

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[1] The election sermon was preached by Elder Thomas Skeel.

Wright, William Hunter, John Cameron & Noah Chittenden Esquires were elected Councillors.

Montpelier Oct. 10th, 1811.

BERIAH LOOMIS *Chairman.* W. A. PALMER *Clerk.*"

Adjourned to 9 O'C. A. M. to morrow.

FRIDAY October 11th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

His Excellency the Gov. took the Chair.

Mr Rich of the house appeared in Council & informed that the House had organized & were ready to receive any communication the Gov. & Council was pleased to make.

The Secretary was directed to inform the house that they had organized & were ready to receive any communications that the house was pleased to make. The Secretary informed the house.

Recd from the house a resolution appointing the opening of the house this afternoon the time for both houses to meet in Representatives' room for the purpose of electing a Chaplain for the present Session, which was read & Resolved to concur with the house in passing the same.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met &c. &c.

Pursuant to the concurrent resolution of both houses the Lt. Gov. & Council met the house in joint Committee for the purpose of electing a Chaplain for the present session, which being done the Gov. & Council returned to their Chamber.

His Excellency the Governor & the Lt. Governor & the Honorable Council proceeded to the Representatives' room when the Oaths of office were duly administered by the Hon. Chief Justice Tyler, when His Excellency delivered the following Speech to both Houses.[1]

[The Governor and Council returned to their Chamber, when] Gov. Brigham on leave introduced the following resolution: In Council Oct. 11th, 1811. Resolved, the Gen. Assembly concurring herein, that a Comee of two members of Council be appointed to join such Committee as the house may please to appoint to take into consideration the expediency of providing by law for the expenses of powder used by the Washington Artillery Company on the day of election, & to report by bill or otherwise, which was adopted & Gov. Brigham & Mr Keyes were appointed on that Comee.

Adjourned to 9 O'clock A. M. to morrow.

SATURDAY, October 12th, 1811, 9 O'C. A. M.

The Council met pursuant to adjournment.

Resolved that the several Committees, which may be raised in Council during the present session, be nominated by the Governor, or in his absence by the Lt Gov.

Recd from the house several resolutions appointing Comees on the part of the house to join Comees on the part of the Council, Viz. one appg a Comee of 4 to be called a Comee of Suspension—read & concurred & Mr Keyes was appointed. One, appo'ing a turnpike Committee, which was read & Mr Loomis was appointed to join. One appointing a Comee of 4

[1] For the speech see *Appendix* A.

to be called a Com^ee of Claims, which was read & Mr Hunter was appd. One appointing a Com^ee of 4 to be denominated the 1st land tax Com^ee, which was read & Mr Bliss was appointed. One appointing a Committee of 4 to be denominated a 2d land tax Com^ee, which was read & Mr Dennison was appointed. One appointing a Com^ee of 4 to be called the 3d land tax Com^ee, which was read & Mr Chittenden was appointed. One appointing a Com^ee of 4 to be denominated a Com^ee of new trials & Mr Wright was appointed. One appointing a Committee of 4 to be denominated a Military Committee, which was read & Gov. Brigham was appointed.

Rec^d from the house the petition of John F. Westernhouse, with an order of the house referring the same to the joint Com^ee of Claims, which was read & it was Resolved to concur with the house in referring the same.

Rec^d from the house the pet. of Shelburn with an order of the house referring the same to a Committee of 3 to join a Com^ee of Council, which was read & it was Resolved to concur with the house in their said reference. Mr Smith was duly appointed.

Rec^d from the house the petition of John Rogers & Abel Baily with an order of the house referring the same to a Com^ee of 3 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Chittenden was duly appointed.

Rec^d from the House the pet. of Ryegate for a land tax with an order of the house to refer the same to the 1st joint land tax Com^ee, which was read & Resolved to concur with the house in their said reference.

Rec^d from the house the following petitions: one of Jonas Clark Jr. & others, one of Wait Rathburn & others, one of Joel Beman & others praying for turnpikes, also Remonstrance of Clarendon, Remonstrance from Ira, Petition of Middletown for a turnpike, with an order of the house on each referring the same to the joint Turnpike Committee, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the petitions of R. Parker, of Joshua Chamberlain, of Northrup Rockwell, of Moses Pier, of Tho^s Miller, of El. W. Keyes with orders of the house referring the same to the joint Com^ee of Suspension, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the pet. of Sam^l Hitchcock with an order of the house to refer the same to a Com^ee of three to join, which was read & it was Resolved to concur with the house in their said reference & Mr Smith was duly appointed to join said Com^ee.

Rec^d the pet. of Jonathan Richardson, of Vernon Himes, of Elizabeth Burnes, with orders of the house on each to refer the same to the joint Com^ee on the pet. of Samuel Hitchcock, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the pet. of Billy Todd & others, of James Wheeler & Ethan Bradley with orders of the house to refer the same to the joint Manufacturing Com^ee, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the pet. of John C. Waller with an order of the house appointing a Committee of 3 to join which was read & it was Resolved to concur with the house in their said reference & Mr Butler was duly appointed.

Rec^d the petitions of Ezra Phillips, of James Johnson, of Martin Dunning, of Abiather Angel, of Levi & Salmon Hull, of Abel Platt, with an order of the house referring the same to the joint Com^ee on the

pet. of John C. Waller, which were severally read & it was Resolved to concur with the house in their said reference.

Adjourned to 2 O. C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

No business appearing before Council it was adjourned to 9 O'C. A. M. on Monday next.

MONDAY October 14th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house the bill entitled an act organizing the County of Jefferson with an order of the house referring the same to a Comee of three to join from Council, which was read & it was Resolved to concur with the house in their said reference & Mr Wright was duly appointed to join said Committee.

Mr Seymour appeared in Council & took & subscribed the necessary oaths of office as a Councillor. & took his Seat.

Recd from the house the pet. of M. Smith with an order of the house referring the same to the joint Comee on the petition of John C. Waller, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the petition of A. W. Hyde, & the pet. of Elam Jewett & others with orders of the house on each referring the same to the joint Comee of Claims, which were read & it was Resolved to concur with the house in their said reference.

Recd the petitions of A. Darby, of Jas. Robinson, of Henry Parker, with an order of the house on each to refer the same to the joint Comee of Suspension, which were read & it was Resolved to concur with the house in their said reference.

Recd the petition of Poultney with an order of the house to refer the same to a Comee of 4 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Seymour was appointed to join.

Recd from the house the pet. of Wells with an order of the house to refer the same to the joint Comee on the pet. of Poultney, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house a resolution of the house requesting the Gov. with the consent & advice of Council to appoint Thursday the 5th day of Decemr next to be observed as a day of public thanksgiving & praise throughout this State, whereupon it was Resolved to advize his Excellency to appoint said day as a day of thanksgiving & that he be requested to issue his proclamation accordingly.

Recd from the house the pet. of Cavendish with an order of the house referring the same to a Comee of three to join, Cond & Mr Dennison was appd.

Recd the pet. of Thomas W. Fitch with an order of the house referring the same to the joint Comee on the pet. of Cavendish, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the pet. of Wells.

Recd the Pet. of Francis Ledyard praying for pardon, stating that he is a convict of State's prison, which was read & on Consideration ordered to lie on the table.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd from the house the following petitions for land taxes, one of Sherburn, of Parker's Gore, of Bridgewater, of Huntsburgh [Franklin,]

of Lincoln & remonstrance against a tax on Lincoln, with orders of the house on each referring the same to the 1st land tax Committee, which were severally read & Resolved to concur with the house in their said reference.

Recd from the house a resolution appointing 4 O'C. P. M. on tuesday next a time for the members of each County to meet in County Conventions to make their nominations & Wednesday morning at the opening of the house the time to meet in Representatives' room in joint Comee for the purpose of Electing County officers, which was read & Resolved to concur with the house in passing said resolution.

Adjourned to 9 O'C. A. M. to morrow.

Tuesday October 15th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house a resolution appointing this day at the opening of the house a time to meet in joint Comee to elect Judges of Supreme Court, which was read & it was Resolved to concur with the house in passing the same.

Recd from the house the bill entitled an act altering the time of holding Windsor County Court, with an order of the house referring the same to a Comee to join a Comee of Council, which was read & it was Resolved to concur with the house in their said reference & Messrs Keyes & Hunter was [were] appointed to join.

Recd from the house a resolution appointing a Comee to join a Comee of Council to take into consideration the report of the Comee appointed last session of the Legislature to settle the accounts of the visitors of State's prison &c. which was read & it was Resolved to concur with the house in passing said resolution. Mr Crafts was appointed.

Recd from the house the petition of Elisha Hopkins & others with an order of the house referring the same to the jt Military Comee, which was read & it was Resolved to join in said reference.

Mr Cameron appeared in Council, who took & subscribed the oaths of office as a Councillor & took his seat.

Recd the bill entitled "an act in addition to an act directing Leather Sealers in their office & duty," which had an order of the house referring the same to the joint Comee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the petition of the Selectmen of Holland with an order of the house referring the same to a Comee of the house to join a Comee of Council, which was read, & it was Resolved to concur with the house in their said reference. Mr Seymour was appointed to join from Council.

Recd the petition of William D. Weeks with an order of the house referring the same to the joint Comee on the pet. of the Select men of Holland, which was read & it was Resolved to concur with the house in their said reference.

Recd the petition of the proprietors of Mt Tabor with an order of the house calling it up, it having been laid over from last session, with an order of the house referring the same to the joint Committee on the pet. of selectmen of Shelburn. Cond.

Recd the bill entitled "an act authorising the proprietors of Caldersburgh [Morgan] to confirm their divisions," which was read & it was Resolved to refer the same to the joint Comee on the pet. of Selectmen of Shelburn agreeable to the order of the house on the same.

Recd the petitions of Horatio Reed, Danl Staniford, Luke Hitchcock, Joseph H. Ellis, Amos Babcock, Parley Davis, Nathan Sherwin, Nathan

Kimball, with an order of the house on each referring the same to the joint Com^ee of Claims, which were read & it was Resolved to concur with the house in their said reference.

Rec^d the Pet. of Moses Strong & al., Petition for a turnpike in Arlington, an act establishing a Corporation by the name of Windham Turnpike Co^y, an act establishing a corporation by the name of Plymouth Turnpike Company, Pet. of sundry inhabitants of Fairlee [and] West fairlee for a Turnpike Co^y, Pet. for Orange Turnpike & Report of Committee appointed to look out a Turnpike road from Washington Turnpike to Connecticut river, with orders of the house on each referring the same to the joint Turnpike Com^ee, which were severally read & it was Resolved to concur with the house in their reference.

Rec^d the pet. of 1^st Company 1^st Regiment &c., an act constituting a Company of Artillery in Windham, Andover & Londonderry, Pet. for an Artillery Company in Londonderry, Pet. of Inhabitants of Springfield for a musical band, an act in addition to an act for regulating the Militia of this State, with an order of the house on each referring the same to the joint Military Committee, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d the bill on the pet. of Abraham Conklin & the bill entitled an act granting to Thomas & E. Porter an exclusive privilege of Keeping a ferry, with an order of the house on each to refer the same to the joint Com^ee on the Pet. of John Rogers & Abel Baily, which were read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the bill en^d an act authorizing the proprietors of Shoreham to ratify proceedings, with an order of the house to refer the same to the Committee on the pet. of Shelburn, which was read & it was Resolved to concur with the house in their said reference.

Rec^d from the house petitions for land taxes on the following towns, Viz. Parkerstown [Mendon,] Canaan, Jay, Westfield, Kelly Vale [Lowell,] Troy, Bolton, with an order of the house on each referring them to the 2^d joint land tax Committee, which was read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the petitions of Abishai Goodell, Simon B. Bissell, Abijah H. Hall, with orders on each to refer the same to the joint Committee of Suspensions, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d petitions for land taxes on the towns of Victory & Brunswick, with an order of the house to refer the same to the 3^d joint land tax Com^ee. Concurred.

Rec^d the petitions of Wenlock, Holland, Lemington & Minehead [Bloomfield,] with an order of the house on each referring the same to the 1^st joint land tax Com^ee, which were read & Resolved to concur with the house in their said reference.

Rec^d from the house the petition of Israel Whitney for a ferry, with an order of the house to refer the same to the joint Com^ee on the Pet. of John Rogers & Abel Baily, which was read & Resolved to concur with the house in their said reference.

Rec^d from the house the pet. of the 8th School district in New Haven & others, with an order of the house to refer the same to a Com^ee of 3 to join, which was read & Resolv^d to concur and Mr Cameron was appointed to join from Council.

The Pet. of the inhabitants of the Corners of Pittsford, Brandon, Chittenden, &c. with an order of the house to refer the same to a Com^ee of 3 to join, which was read & Resolved to concur with the house in passing the same; Mr Cameron was appointed to join.

The pet. of T. W. Cardell & others for a factory was rec^d with an order

of the house to refer the same to the joint Com^ee^ of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

The pet. of Paul Brigham was rec^d^ with an order of the house to refer the same to joint Com^ee^ on the pet. of Samuel Hitchcock, which was read & it was Resolved to concur with the house in their said reference.

Rec^d^ from the house the pet. for a market road to be laid from Rutland with an order of the house to refer the same to a Com^ee^ of three to join a Com^ee^ of Council, which was read & it was Resolved to concur with the house in their said reference & Mr Loomis was appointed to join.

Rec^d^ the bill entitled an act appointing a Committee to lay out a road from Lyndon to Waterford bridge, with an order of the house to refer the same to joint Com^ee^ on the pet. for a road from Rutland to Whitehall, which was read & Resolved to concur with the house in their said reference.

Rec^d^ from the house the bill entitled an act appointing a Committee to lay out a post road from the north line of Fairfield to the centre of Huntsburgh, with an order of the house to refer the same to the joint Com^ee^ on the pet. for a road from Rutland to Whitehall, which was read & Resolved to concur with the house in their said reference.

The pet. of Bristol Aquaduct Company was rec^d^ with an order of the house to refer the same to a Com^ee^ of 3 members of the house to join, which was read & it was Resolved to concur with the house in their said reference, & Mr Bliss was appointed to join said Com^ee^.

Rec^d^ the petition of Middletown with an order of the house to refer the same to a Com^ee^ of 4 to join, which was read & Resolved to concur with the house in their said reference, & Mr Butler was duly appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met agreeable to adjournment.

His Excellency the Gov. the L^t.^ Gov. & Council proceeded to the Representatives' room pursuant to the joint resolution of both houses for the purpose of electing judges of Supreme Court—which being compleated they returned to their Chamber.[1]

His Excellency the Governor was pleased to appoint Rollin C. Mallary Secretary for himself & Council for the year ensuing, who was sworn to the faithful performance of the duties of his office.

The petition of Seth Payne was read praying to have a certain fine remitted which had been laid by the Supreme Court on his being convicted of passing Counterfeit money—& on the question shall the prayer of said petition be granted, the Yeas & Nays were demanded & taken as follows: Yeas, Gov. Brigham, Keyes, Bliss, Hunter, Dennison, Smith; Nays, Wright, Cameron, Crafts, Seymour, Chittenden, Loomis & Butler —so the prayer of said petition was not granted.

Adjourned to 9 O'C. A. M. Tomorrow.

WEDNESDAY October 16^th^, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^d^ from the house the engrossed bill entitled "an act organizing the County of Jefferson," which was read & Resolved to concur with the house in passing the same into a law.

Agreeably to the concurrent resolution of both houses the Governor & Council proceeded to the Representatives' room for the purpose of

[1] Royall Tyler, Theophilus Harrington, and David Fay were re-elected.

making County appointments, and after progress they returned to their Chamber.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met agreeable to adjournment.

The Gov. & Council pursuant to the adjournment of the joint Com^ee met the house in joint Com^ee for the purpose of completing the appointment of County Officers, which was partly completed & said Committee adjourned to Saturday morning next, When the Gov. & Council returned to their Chamber & resumed business.

Rec^d from the house a resolution appointing a Com^ee of 3 to join a Committee of Council for the purpose of examining the situation of the bank & the report of the directors, which was read & it was Resolved to concur with the house in the afores^d resolution & Mr Butler was duly appointed.

Rec^d from the house the petition of the Mechanics of Windsor with an order of the house to refer the same to the joint Committee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the petition of the Monkton argil Company with an order of the house to refer the same to the joint Com^ee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the pet. of Townsend McCoun & others with an order of the house to refer the same to the joint Com^ee of Manufactures, which was read & Resolved to concur with the house in their said reference.

The pet. of the Inhabitants of Wallingford was rec^d with an order of the house to refer the same to a Com^ee of 4 to join a Com^ee of Council, which was read & Resolved to concur with the house in their said reference. Mr. Smith was duly appointed.

Pet. of Inhabitants of Newbury for a turnpike was rec^d with an order of the house referring the same to the joint Turnpike Com^ee, which was read & it was Resolved to concur with the house in their said reference.

Rec^d from the house the bill entitled an act directing the treasurer to pay Seth Payne twenty dollars, with an order of the house to refer the same to the joint Com^ee of Claims, which was read & Resolved to concur with the house in their said reference.

Rec^d the petitions of Cyrus Ware, Noah Smith & Shadrach Hatheway with orders of the house on each to refer the same to the joint Committee of Suspension, which were read & Resolved to concur with the house in their said reference.

The petition of John Newton Jr. was rec^d with an order of the house to refer the same to a Committee of 4 to join, which was read & Resolved to concur with the house in their said reference & Mr.

Rec^d from the house the petitions of Martin Roberts & Luther Martin with orders of the house on each to refer the same to the joint Com^ee of Claims, which was read & Resolved to concur with the house in their said reference.

Rec^d the petitions of Landgrove & Glover for land taxes, with orders of the house on each to refer the same to the 3^d joint land tax Com^ee, which were read & Resolved to concur in said reference.

Rec^d from the house the petition of Fletcher for a land tax with an order of the house to refer the same to the 2^d joint land tax Committee, which was read & Resolved to concur with the house in their said reference.

Rec^d from the house the bill relating to the Militia with an order of the house to refer the same to the joint Military Committee, which was

read & it was Resolved to concur with the house in their said reference.

Rec^{d} the pet. of Joel Roberts with an order of the house to refer the same to a Com^{ee} of 3 to join, which was read & Resolved to concur with the house in their said reference & Mr Loomis was duly appointed.

Rec^{d} the pet. of Caonrath Shutts with an order of the house referring the same to the joint Com^{ee} on the petition of Rogers & Baily, which was read & Resolved to concur with the house in their said reference.

Rec^{d} the petition of Eliphas Thrall with an order of the house referring the same to the joint Committee on the pet. from Brandon & Chittenden, which was read & Resolved to concur with the house in their said reference.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 17th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^{d} from the house the engrossed bill entitled "an act altering the name of Araunah M^{c}Lane," which was read & it was Resolved to concur with the house in passing the same into a law.

Ordered that the Secretary present the following communication to the General Assembly from His Excellency the Governor:

COUNCIL CHAMBER, Oct. 17th, 1811.

To Hon. Dudley Chase Esquire, Speaker of the H. of Representatives:

Sir, Through you I would communicate to the house the following information, contained in several communications from the constituted authorities of several of the United States as well as from the General Government. No. 1st contains information of the Legislature of New-Jersey having disapproved of the amendments proposed to the Constitution of the United States by the legislatures of the States of Massachusetts, Virginia & Pennsylvania. No. 2^{d} Contains information that the legislature of Maryland has rejected the proposal of amendment to the Constitution of the United States from the State of Pennsylvania. No. 3^{d} Contains a proposal of amendment to the Constitution of the United States made by Congress at their last session & recommended to the several legislatures of the several States of the Union. Nos. 4, 5, 6, & 7, contain the proceedings of several States in relation to a certain proposal of amendment to the Constitution of the United States to prevent any citizen of the United States from receiving any office, emolument &c. from any foreign power &c. Nos. 8 & 9 contain propositions from New Hampshire & Massachusetts for a mutual exchange of laws of the several States.

I would also inform the house that there is received a box containing, as I am informed, 228 copies of the laws of the 1st & 2^{d} session of the 11th Congress. The house will please to direct the mode of distribution.

Hon. D. Chase Esq. &c. &c. JONAS GALUSHA.

Rec^{d} from the house the bill en^{d} "an act to discontinue the stage road leading from Middlebury to Vergennes by what was called Painter's Bridge," which was read & it was Resolved to concur with the house in passing the same into a Law.

Rec^{d} the pet. of Abel Morrill with an order of the house to refer the same to the joint Com^{ee} of New trials, which was read. & Resolved to coucur with the house in their said reference.

Rec^{d} the pet. of Gideon Horton & others with an order of the house to refer the same to the joint Com^{ee} of Manufactures, which was read & Resolved to concur with the house in said reference.

Rec[d] from the house the pet. of Martin D. Follett with an order of the house referring the same to a Com[ee] of 4 to join a Com[ee] of Council, which was read & Resolved to concur with the house in said reference & Mr Chittenden was duly appointed.

Rec[d] from the house the pet. of Ozi Baker with an order of the house to refer the same to the joint Com[ee] on the pet. of Martin D. Follett, which was read & Resolved to concur with the house in their said reference.

Rec[d] the pet. of Inhabitants of Whiting & Cornwall with an order of the house to refer the same to the joint Com[ee] on the petition of Inhabitants of Castleton & Rutland for a stage road from Rutland to Whitehall, which was read & Resolved to concur with the house in their said reference.

Rec[d] the pet. of proprietors' Clerk of Lutterloch with an order of the house referring the same to the joint Com[ee] on pet. of Cavendish, which was read & it was Resolved to concur with the house in their said reference.

Rec[d] from the house the pet. of Wells with an order of the house to refer the same to the joint Com[ee] on the pet. of Middletown, which was read & it was Resolved to concur with the house in their said reference.

Rec[d] the pet. of Inhabitants of Bristol & Lincoln with an order of the house to refer the same to the joint Com[ee] on the pet. of Brandon & Chittenden, which was read & Resolved to concur with the house in said reference.

Pet. of Jonathan Woodward & Ira Day with an order of the house to refer the same to the joint Com[ee] of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Pet. of Benjamin Hinman, a convict of State's prison, praying for a pardon, was read & on the question Shall the prayer of said petition be granted? the yeas & nays were called for & taken as follows, Viz. Yeas, none—Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Seymour, Chittenden, Loomis, Butler & Smith—so the prayer of said petition was not granted.

Petition of Nathan Stevens stating that he is now a convict of State's prison, praying for pardon, was read, & on the question Shall the prayer thereof be granted? The Yeas & Nays were called for & taken as follows, Viz.—Yeas none—Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Seymour, Chittenden, Loomis, Butler & Smith, so the prayer of said petition was not granted.

The petition of Abel Willard was read, stating that he was a convict in State's prison & praying for pardon, & on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows, Viz. — Yeas, none — Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Seymour, Chittenden, Loomis, Butler & Smith: so that the prayer of said petition was not Granted.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec[d] the pet. of Select men of Brandon with an order of the house referring the same to the [a] select Com[ee] of 4 to join, which was read & it was thereupon Resolved to concur with the house in their said reference, & Mr Hunter was appointed to join from Council.

Rec[d] the pet. for a Market road through the Counties of Caledonia. Orleans & Franklin, with an order of the house for a Com[ee] of 4 to join, which was Concurr[d] & Mr Bliss was appointed.

Rec[d] the pet. of Corporation of Peacham Academy with an order of the house to refer the same to a Com[ee] of 4 to join, which was read & it

was Resolved to concur with the house in their said reference, & Mr Dennison was appointed.

Pet. for an Independant Company of riflemen in Pownal was received with an order of the house to refer the same to the joint Military Com^ee, which was read & Resolved to concur with the house in their said reference.

Pet. of John Mott was rec^d with an order of the house to refer the same to the joint Com^ee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Rec^d from the house two resolutions, one appointing tomorrow morning at the opening of the house the time for both houses to meet in joint Committee for the purpose of Electing an Auditor of Accounts against this State & a person to preach the next Election Sermon. The other appointing the same time to elect a Surveyor General for the State of Vermont, which were severally read & it was Resolved to concur with the house in passing the same.

Personally appeared in Council the Hon. Royall Tyler Esq. & David Fay Esq^r. when the oaths of office were duly administered to the said Royall Tyler as Chief Judge & to the said David Fay as Assistant Judge of the Supreme Court of Judicature of the State of Vermont.

Adjourned to 9 O'C. A. M. tomorrow.

FRIDAY Oct. 18^th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

The Gov. & Council pursuant to the concurrent resolution of both houses met the house in the Representatives' room in joint Com^ee for the purpose of Electing an Auditor of Accounts against the State, a Surveyor General for the State, & a person to preach the Election Sermon, when the Surveyor General & auditor were chosen & the joint Committee adjourned to Wednesday morning next at the opening of the House, & the Gov. & Council returned to their Chamber & resumed business.

Rec^d from the house the engrossed bill entitled "an act altering the name of John Mann the 3^d," which was read & it was Resolved to concur with the house in passing the same into a law.

Rec^d the petition of Jonah Grover, the account of Joseph Morrill 2^d, & a bill entitled an act discharging Eben^r Clark from the payment of a sum therein mentioned, with orders of the house on each to refer the same to the joint Com^ee of Claims, which were severally read & it was Resolved to concur with the house in their said reference.

Rec^d the pet. of Aaron Post & others with an order of the house thereon referring the same to the joint Com^ee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the pet. of Leonard Farewell with an order of the house referring the same to the joint Turnpike Com^ee, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the pet. of Nancy Gallup with an order of the house referring the same to the joint Com^ee on the pet. of Samuel Hitchcock, which was read & it was Resolved to concur with the house in their said reference.

Pets. of Moses Sage, of his creditors & remonstrance of his creditors, was [were] rec^d with an order of the house referring the same to the joint Com^ee of Suspension, which were read & it was Resolved to concur with the house in their said reference.

Rec^d the petition of Jedediah Hutchins with an order of the house referring the same to the Joint Com^ee of Suspensions, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} the pet. for a market road through the Counties of Caledonia, Orleans, & Franklin, with an order of the house referring the same to the joint Com^{ee} on a former pet. for the same purpose, which was read & it was Resolved to concur with the house in their said reference.

Pets. of Michael Stevens, of Inhabitants of Burlington for a rifle company & for a company in New Haven & Waltham, with an order of the house to refer the same to the joint Military Com^{ee}, which were read & it was Resolved to concur with the house in their Reference afores^{d}.

Rec^{d} petitions from the house for Land taxes on the following towns, Viz. Hydepark, Morristown, Wolcott, Elmore, Walden, Eden, Johnson, Coit's Gore & Cambridge, with orders on each to refer the same to the 3^{d} joint land tax Com^{ee}, which were severally read & it was Resolved to concur with the house in their said reference.

The Petition of Benjamin Erwin was read, stating that he is a convict in the State's prison & praying for Pardon & on the question Shall the prayer of the petition be granted? the Yeas & Nays were called for & taken as follows, Viz. Yeas, None—Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Seymour, Chittenden, Loomis, Butler, Smith—So the prayer of said Petition was not Granted.

Pet. of Ephriam Libby was read stating that he is a convict in State's prison & praying for pardon & on the question Shall the prayer of said petition be granted the Yeas & Nays were called for & taken as follows, Viz. Yeas, Keyes, Dennison, Smith, 3—Nays, Brigham, Wright, Bliss, Hunter, Cam ron, Crafts, Seymour, Chittenden, Loomis, Butler—10. So the prayer of said petition was not granted.

Rec^{d} from the house the following engrossed bills: one entitled "an act empowering a committee therein mentioned to alter a certain highway," one entitled "an act to authorize Jonathan Richardson to sell lands lying in Sunderland, County of Bennington," which were read & Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

His Excellency the Gov. directed the Secretary to present the following communication to the house, viz.

To the Hon. Dudley Chase Esq^{r}· Speaker of the House of Representatives:

Sir, I have to inform the house, through you, that there is a vacancy in the 3^{d} brigade & 3^{d} division of the militia of this State, occasioned by the promotion of Brig. Gen^{l} Cahoon. I have also to inform the house that Mark Richards Esquire who has recently been appointed Sheriff of Windham Co^{y} for the year ensuing has declined the acceptance of s^{d} office. There are also vacancies in the Corporation of the University of Vermont occasioned by the death of A. Marsh Esq^{r} late of Vergennes deceased and by the non-acceptance of the Rev^{d} Tilton Eastman of the appointment of one of said corporation. The Gen^{l} Assembly will please to direct the mode of filling the vacancies occasioned as afores^{d}.

JONAS GALUSHA.

Rec^{d} from the house the pet. of Troy with an order of the house referring the same to a Com^{ee} of 3 to join, which was read & it was Resolved to concur with the house in their said reference. Mr. Crafts [was joined.]

Pet. of Duncansboro was rec^{d} with an order of the house to refer the same to the joint Com^{ee} on the pet. of Troy, which was read & it was Resolved to concur with the house in their said reference.

The petition of Chester Peas was read praying for a pardon, stating that he is a convict in State's prison, & on the question Shall the prayer of

said petition be granted? the Yeas & Nays were called for & taken as follows, Viz. Yeas, None—Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Loomis, Butler & Smith—so the prayer of said petition was not granted.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY, October 19th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Present His Excellency the Gov., His Hon. the Lt Gov., The Honorable Gilbert Dennison, Fredk Bliss, Pliny Smith, John Cameron, Josiah Wright, Horatio Seymour, Ezra Butler, Elias Keyes & Wm. Hunter Esquires. Rollin C. Mallary, Secretary; Israel P. Dana Esquire Sheriff.

Recd the pet of Thomas W. Fitch, which had been previously referrd to a joint Comee who made a report which was rejected by the house, with an order rejecting said report & committing said petition to the former Committee, which was read & Resolved to concur with the house in their recommitment of said petition.

Recd from the house the bill entitled an act extending the time for completeing the Sand-bar Turnpike with an order of the house to refer the same to the joint turnpike Comee, which was read & it was Resolved to concur with the house in their said reference.

The pet. of the town of Roxbury to be annexed to the County of Jefferson, with an order of the house to refer the same to a Select Comee of 3 to join a Comee of Council, which was read & it was Resolved to concur in said reference & Mr Keyes was duly appointed.

The Representation of the University of the State of Vermont was recd with an order of the house referring the same to a Comee of 3 to join, which was read & it was Resolved to concur with the house in their said reference & Mr Crafts was appointed to join.

Recd the pet. of Josiah Wright with an order of the house referring the same to the joint Comee of Claims, read & Resolved to concur with the house in their said reference.

Recd from the house the bill entitled an act authorizing the Committee to superintend the expenditure of a land tax in Newark, with an order of the house referring the same to the 3d joint land tax Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd the pet. of Joel Tinker & acct, with an order of the house referring the same to the joint Comee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Mr Chittenden on request was excused the remainder of the session.

On Motion, Mr Keyes was appointed to join the 3d land tax Comee in the place of Mr Chittenden who had obtained leave of absence the remainder of the session.

The Committee who was appointed to take into consideration the expediency of providing for the expences of the Washington Artillery Company in powder reported a bill for that purpose, which was read & it was Resolved to pass the same & send it to the General Assembly for their Concurrance.

Recd from the house the engrossed bill entitled an act establishing an academy at Shoreham in the County of Addison, which was read & it was resolved to concur with the house in passing the same into a law with the following amendments, Viz. at the close of the 2d section add "to the amt of five thousand dollars"—and in the 6th line of said 2d section after the word "*academy*" add "they not being repugnant to the

laws of this State or of the United States." In Section 4th strike out from the word "*necessary*" in the 6th line the remainder of the section.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd the engrossed bill entitled "an act in addition to an act constituting the Supreme Court & County Court, defining their powers & regulating judicial proceedings," which was read & it was Resolved to concur with the house in passing the same into a law with the following amendment, Viz. add "and whenever any demand so plead in offsett "shall be such as is within the original Jurisdiction of the County Court "either party shall have the same right of appeal or review as he would "have had if the suit had been originally commenced before the County "Court."

Adjourned to 9 O'C. A. M. Monday morning.

Monday October 21st, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd the bill entitled "an act establishing an aquaduct company in Brattleboro," with an order of the house to refer the Same to a Comee of 2 to join a Comee of Council, which was read & it was Resolved to concur with the house in their said reference. Mr Keyes was appointed to join said Comee.

Recd from the house the engrossed bill entitled "an act directing the treasurer to pay Amos Babcock the sum therein mentioned." which was read & it was Resolved to concur with the house in passing said bill into a law.

Recd from the house the engrossed bill entitled "an act authorizing Samuel Hitchcock executor of the last will & testament of Levi Allen &c. to sell lands," which was read & it was Resolved to concur with the house in their said bill with the following amendment in the last clause of the bill, Viz. after the word "*Chittenden*," insert "*with good & sufficient Surety or Sureties.*" Mr Loomis was appd to assign the reasons to the house.

Recd the engrossed bill entitled "an act authorizing the Chairmen of Committees to administer oaths,"[1] which was read & it was Resolved to concur with the house in their said bill & that the same become a law.

Mr Wright was appointed on the Committee of Claims, Mr Hunter being unable from ill health to attend to the duties of said Committee.

Mr Bliss was appointed on the joint Committee on the pet. from Brandon.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd from the house the following engrossed bills sent for concurrence or proposals of amendment, Viz. one entitld "an act altering the times of holding the County Court for the County of Windsor," "an act laying a tax of 3 cents pr acre on the town of Minehead," "an act altering the name of Hamilton Hogg," "an act laying a tax of 4 cents pr

[1] Chairmen of "committees of the House"; but nearly all committees raised by the House were joint committees, of which a Councillor was chairman, and by this act the Councillors were in such case authorized to administer an oath when necessary.

acre on the town of Ryegate," which were severally read & it was Resolved to concur with the house in passing the foregoing bills into laws.

The pet. of Allen Bryant praying for a pardon was called up & on the question Shall the prayer of said petition be granted? The Yeas & Nays were called for & taken as follows: Yeas, none—Nays, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Cameron, Crafts, Loomis, Butler & Smith—so that the prayer of said pet. was not granted.

The petition of Abel Whitman praying for a pardon, stating that he was a convict in State's prison, was read & on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows: Yeas, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Crafts, Loomis, Butler, Smith—Nays, Cameron, so the prayer of said petition was granted, and it was Resolved to issue a pardon to the said Abel in due form of law.

The pet. of George Parker praying for pardon, stating that he is a convict in State's prison, was read & on the question Shall the prayer thereof be granted? the Yeas & Nays were called for & taken as follows: Yeas, none—Nays, Brigham, Keyes, Wright, Bliss, Dennison, Cameron. Crafts, Loomis, Butler & Smith—so the prayer of said petition was not Granted.

Pet. of Royall Freeman was read, stating that he is a convict in State's prison & praying for pardon, which was taken into consideration & on the question Shall the prayer of said petition be granted? the Yeas & Nays were called for & taken as follows, Viz. Yeas, Brigham, Keyes, Wright, Bliss, Hunter, Dennison, Crafts, Loomis, Butler & Smith—Nays, Cameron—so the prayer of said Petition was granted, and it was Resolved that a pardon issue in due form of law.

The petition of Francis Ledyard was read, stating that he was a convict in State's prison & praying for pardon, & on the question Shall the prayer of said petition be granted? the Yeas & Nays were called for & taken as follows, Viz. Yeas, Brigham, Keyes, Bliss, Hunter, Dennison, Crafts, Loomis, Butler & Smith—Nays, none—so the prayer of said petition was granted, & it was Resolved that a pardon issue according to law.

[Adjourned until 9 o'clock to-morrow morning.]

TUESDAY October 22d, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Recd from the house a resolution appointing Tuesday morning at 10 O'clock A. M. a time for both houses to meet in joint Comee for the purpose of electing a Brigadier Genl for 3d brigade & 4th division, which was read & it was Resolved to concur with the house in said resolution with the following amendment, Viz. erase "*Tuesday*" & insert Wednesday. Mr Crafts was appointed to assign the reasons.

The Secretary of Council was directed to present the following communication to the Speaker of the House, from His Excellency the Gov.:

To the Hon. Dudley Chase Esquire, Speaker of the house of Representatives: Sir, I would inform the house that the Hon. Gilbert Dennison, who has been recently elected Judge of Probate within & for the District of Marlboro', has declined the acceptance of said of office.

The Genl Assembly will therefore take expedient measures to fill the vacancy thus occasioned. JONAS GALUSHA.

Hon. D. Chase Esqr. Speaker &c.

Recd from the house the following engrossed bills Viz. one, "an act establishing the division of lands in Mt Tabor as made by the proprie-

tors of said town," "an act directing the treasurer to pay Joseph Morrill 2d the sum therein mentioned," "an act laying a tax on Lemmington," "an act granting the exclusive right of keeping a ferry to Thos. & Elias Porter," "An act to suspend all civil process against Simon B. Bissell," which were severally read & it was Resolved to concur with the house in passing sd bills.

Recd from the house the bill entitled "an act directing the State's Atty for Chittenden County to deliver up a certain note therein mentioned," with an order of the house to refer the same to the joint Comee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Recd the pet. of John Cheny & Nancy Cheny with an order of the house to refer the same to the joint Comee on the pet. of Samuel Hitchcock, which was read & Resolved to concur with the house in their said reference.

Recd the report of the Visitors of the State's prison with an order of the house to refer the same to the joint Comee on the resolution relating to the State's prison, which was read & it was Resolved to concur with the house in their said reference.

Adjourned to 2 O'C. P. M.

2 O'C P. M.—The Council met pursuant to adjournment.

Recd from the house the engrossed bill entitled "an act authorizing the proprietors of Shoreham to ratify their proceedings," which was read & it was Resolved to concur with the house in passing said bill into a law.

Recd from the house the engrossed bill entitled "an act in addition to an act establishing a Company of Artillery in the 2d Regiment 1st brigade & 2d division of the militia of this State. which was read & it was thereupon Resolved to concur with the house in passing said bill into a law, with the following proposal of amendment added to the end: "Provided that said Company shall not at any one time exceed the number of 40 including officers & musicians." Mr Wright was appointed to assign the reasons to the house.

Recd the following engrossed bills sent up for concurrence or proposals of amendment, Viz. one entitled "an act annexing a part of Vershire to Corinth," "an act altering the times of holding the County Court in Addison County," "an act in addition to an act entitled an act directing leather sealers in their office & duty & regulating the sale of leather, boots & shoes & the manufacture of Iron & nails," "An act relating to the levying executions & to poor debtors," which were severally read & it was Resolved to concur with the house in passing the same into laws.

The pet. of Amos Hartwell was read, stating that he was a convict in State's prison & praying for a pardon, and on the question Shall the prayer of said petition be granted, the Yeas & Nays were called for & taken as follows, viz. Yeas, None—Nays, Brigham, Keyes, Wright, Bliss, Dennison, Cameron, Crafts, Loomis, Butler & Smith—so the prayer of said petition was not granted.

Adjourned to 9 O'C. tomorrow A. M.

Wednesday October 23d, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

The Gov. & Council met the house in joint Comee for the purpose of electing a Brigadier General for the 3d brigade & 4th division, for electing a Chaplain to preach the next election sermon & to complete the

County nominations, & after making progress the joint Com^ee adjourned to tuesday morning next at the opening of the house.[1]

Mr Crafts was on motion excused from the Committee on the communication from the University of Vermont, & the L^t. Governor was appointed in his room.

Rec^d the bill entitled "an act in addition to & alteration of an act incorporating certain persons therein mentioned by the name of the Montpelier Cotton & Woolen Manufacturing Company," with an order of the house to refer the same to the joint Com^ee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the bill entitled an act laying a tax of one cent pr acre on the town of Parkerstown with an order of the house to refer the same to the joint Com^ee of the 2^d land tax, which was read & it was Resolved to concur with the house in their said reference.

Rec^d the account of Amasa Stowell with an order of the house to refer the same to the joint Com^ee of Claims—concurred to refer the same.

Rec^d the Report of the President & Fellows of Middlebury College with an order of the house to refer the same to the joint Com^ee on the Communication of the University of Vermont, which was read & Resolved to concur with the house in their said reference.

Rec^d the bill entitled an act empowering the select men of Richford to lay out all of the public lands, with an order of the house to refer the same to the joint Com^ee on the pet. of Selectmen of Shelburne, which was read & Resolved to concur in said reference.

Rec^d the engrossed bill entitled "an act incorporating certain persons therein named by the name of Swanton falls bridge Company," which was read & it was Resolved to concur with the house in passing said bill into a law.

Adj^d to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^d from the house the following engrossed bills sent up for concurrence or proposals of amendment, Viz. one "an act to remedy a mistake in the act granting a tax of 4 cents pr acre on the town of Brownington," "an act to revive & Continue an act entitled an act laying a tax of three cents pr acre on the town of Huntsburgh passed October 29^th, 1807," "An act to authorize the administratrix of Branchcomb Perigo to deed certain lands therein mentioned," "An act incorporating certain persons therein mentioned by the name of Paran Creek Manufacturing Company," which were severally read & it was resolved to concur with the house in passing the same into laws.

Rec^d from the house the engrossed bill entitled "an act in addition to an act entitled an act reducing into one the several acts for laying out, making & repairing highways," which was read & it was Resolved to nonconcur with the house in passing the same, & thereupon the reasons were drawn up & assigned, which, with said bill, were returned to the house.

Rec^d from the house the bill entitled "an act regulating the fees of Collectors of land taxes & directing them in their office & duty," which was read & it was Resolved to concur with the house in passing the same by [with an] amendment in striking out the whole of the 2^nd Section & Mr Keyes was appointed to assign the reasons to the house.

Adjourned to 9 O'C. A. M. tomorrow.

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[1] John Mattocks was elected Brigadier General ; Rev. Isaac Beall to preach the next election sermon, and Rev. Jonathan Going alternate.

THURSDAY October 24th, 1811, 9 O. C. A. M.

Council met pursuant to adjournment.

On motion Mr Smith was appointed on the joint Comee of Claims so far as to take into consideration the pet. of Josiah Wright.

Recd his Excellency's communication respecting Clark Stevens declining the appointment of Judge of Jefferson County Court with an order of the house to refer the same to the members of Jefferson County to join, which were read & Resolved to concur with the house in their said reference & Mr Butler was appointed to join said Comee.

Recd from the house the Pet. of Ralph Parker, The account of John Johnson, The bill entitled "an act directing the treasurer to pay Sherman Dewey & Elihu Luce the sum therein mentioned," The account of Elijah Taylor, with orders of the house to refer the same to the joint Comee of Claims, which were read & Resolved to concur with the house in their said reference.

Recd from the House the bill entitled "an act in addition to an act relating to licenses," with an order of the house to refer the same to a Comee of 3 to join, which was read & it was Resolved to concur with the house in their said reference, & Mr Denison was duly appointed.

Recd from the house the bill entitled an act to revive a tax on Morgan with an order of the house to refer the same to the 3d joint land tax Comee: concurred.

The resolutions of the house was recd adopting the proposals of amendment to the Constitution of the United States made by the Congress of the United States at their last session & communicated to the General Assembly this present session, which were read & Resolvd to concur with the house in the same.[1]

Recd from the house the following engrossed bills: one "an act laying a tax of two cents pr acre on the town of Troy," An act laying a tax of two cents pr acre on the town of Glover," which were read & it was Resolved to concur with the house in passing the same into laws.

Recd from the house the engrossed bill entitled "an act directing the measurement of Charcoal, lime & ashes," which was read & it was Resolved to nonconcur with the house in passing the same & the reasons were reduced to writing & sent with said bill to the house.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd the engrossed bill entitled "an act authorizing the town Clerk of Cavendish to transcribe land records of said town," which was read & it was Resolved to concur with the house in passing said bill into a law.

Recd the report of the military Commee with a resolution accompanying the same, which was read & it was Resolved to concur with the house in passing the same.

Recd from the house the engrossed bill entitled "an act authorizing the Comee appointed to superintend the expenditure of a land tax in Newark to make alterations in a certain road in said town, which was read & it was Resolved to concur with the house in passing the same into a law.

Mr Seymour was excused from sitting on the Comee on the pets. of Wells & Poultney & Mr Keyes was appointed in his room.

Adjourned to 9 O'C. A. M. tomorrow.

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[1] See *Appendix* B.

FRIDAY October 25th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^{d} the following engrossed bills sent from the house for concurrance & proposals of amendment. Viz. one entitled "an act extending the time for compleating the Sand-bar Turnpike," "an act discharging Dexter Ward from the payment of a certain note &c." "An act laying a tax of 3 cents pr acre on the town of Wenlock," "an act confirming the allotment & survey of the public lands in Shelburn," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Rec^{d} the bill entitled an act respecting the County of Jefferson, being the addition to an act of the above description, with an order of the house to refer the same to the joint Com^{ee} on the bill to organize the County of Jefferson, which was read & Resolved to concur with the house in their said reference.

Rec^{d} the bill entitled "an act relating to the State Bank," with an order of the house to refer the same to the joint Com^{ee} appointed to take into consideration the situation of the State Bank, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house a resolution appointing tuesday morning next at the opening of the house a time for both houses to meet in joint Com^{ee} to elect a Judge of probate for the district of Caledonia, which was read & it was Resolved to concur with the house in their said Resolution.

Rec^{d} from the house a resolution respecting dividing the State into [congressional] districts with an order of the house to refer the same to a Com^{ee} of 4 to join, which was read & it was Resolved to concur in passing said resolution & Mr Crafts was appointed.

Rec^{d} the petitions for land taxes on Goshen, Ripton, & Avery's Gore, with orders of the house to refer the same to the 3^{d} land tax Committee, which were read & it was Resolved to concur with the house in their said reference.

The bill entitled an act extending further privileges to the Northern Turnpike Company with an order of the house to refer the same to the joint turnpike Com^{ee}; read & concurred.

Rec^{d} the engrossed bill entitled an act for the relief of Noah Smith, [which] was read & it was Resolved to concur with the house in passing the same with the following amendment, Viz. "Provided also, that "neither the said Noah Smith, nor either of his bail, shall take any ben- "efit of this act unless the Judgment debt on which the said Noah is now "imprisoned in favor of the Vermont State Bank be first secured to the "President & Directors of said Bank, or unless Seth Storrs Esq^{r} now "imprisoned in Addison County Jail as codefendant with the said Noah "Smith in said Judgment, shall release to said President & Directors all "legal advantages which may result to him by the reason of the opera- "tion of this act. Provided also that nothing contained in this act shall "operate as a discharge of the said bonds so far as it relates to any "escape of the said Noah Smith committed before the passing of this "act." Mr Wright was appointed to assign the reason to the house.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

The Secretary was directed to present the following communication to the Speaker of the Gen. Assembly:

To the Hon. Dudley Chase Esquire, Speaker of the House of Representatives: Sir, I have recently received a communication from the Commissioners appointed by the Government of the State of New York for the purpose of taking into consideration all matters relating to the inland

navigation of said State, which I transmit with an act of the legislature of said State on the same subject, for the information of the General Assembly. They will please to take the subject into consideration & adopt those measures that shall be deemed expedient on so important a subject.

I have rec^{d} a communication from the Secretary of State of New York on the subject of the exchange of the laws of the two States. The General Assembly will adopt those measures which will be considered proper. The laws mentioned in said communication have come to my hands. JONAS GALUSHA.

Hon. D. Chase Esq^{r}. &c. &c.

Rec^{d} from the house the following engrossed bills sent from the house for concurrance or proposals of amendment. Viz. "an act discharging Ebenezer Clark from the payment of a note therein mentioned," "an act assessing a tax of one cent on the dollar on the list for the Year 1811" [State tax,] "an act laying a tax of 3 cents pr acre on the town of Hardwick," "An act granting a ferry to Isaac Whitney," "An act incorporating certain persons therein named by the name of the Bristol Aqueduct Company," "An act laying a tax of 4 cents pr acre on the town of Victory," "An act directing the discharge of Abiather Angel from a certain bond of recognizance," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 26th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^{d} the Communication of His Excellency with an order of the house to refer the same to the Com^{ee} of 4 to join a Committee of Council, which was read & it was Resolved to concur with the house in their said reference, & Messrs Brigham & Butler was app^{d} to join.[1]

Rec^{d} the pet. of Nathan[1] Bosworth Jr. with an order of the house to refer the same to the joint Com^{ee} on the pet. of John C. Waller, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the pet. of Northrup Rockwell, which had been committed to the joint Committee of Suspension, who made a report which had been rejected & said pet. was by order of the house referred to the said Com^{ee} the 2^{d} time, which was again read & it was Resolved to concur with the house in their recommitment.

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[1] This refers to the communication just before given, transmitting a letter to Gov. Galusha from Gouverneur Morris, DeWitt Clinton, Simeon De Witt, W. North, Thomas Eddy, Rob't R. Livingston, and Robert Fulton, commissioners of the State of New York to promote the construction of a water communication from the great lakes to the Atlantic ocean; and an act of the Legislature of New York "to provide for the internal navigation of the State," passed April 8 1811. For these documents see printed *Assembly Journal* of 1811, pp. 122–124. In response, the Legislature of Vermont, on the 30th of October, adopted a resolution recognizing the great importance of the subject and postponing its consideration to the next session for want of more definite information, which was solicited.—See *Assembly Journal* above cited, p. 165.

Rec^{d} from the house the bill entitled "an act for the relief of Moses Sage," with an order of the house to refer the same to the joint Com^{ee} of Suspension, which was read & Resolved to concur with the house in said reference.

Rec^{d} from the house the bill entitled "an act laying a tax of three cents pr acre on the town of Sherburn," with an order of the house to refer the same to the 1st land tax Committee, read & concurred to join.

Rec^{d} from the house the bill entitled "an act appointing a Com^{ee} to lay out a public market road from Connecticut river" &c. with an order of the house to refer the same to the joint Committee on the pet. for a market road from Rutland to Whitehall, which was read & it was Resolved to concur with the house in their said reference.

Mr Loomis was Excused from the Com^{ee} on the last mentioned bill & Mr Keyes was appointed in his room.

Rec^{d} from the house the bill entitled "an act in alteration of an act &c. incorporating certain Turnpike Companies in the Western Counties in this State, passed Nov. 7th, 1805" &c. with an order of the house to refer the same to the joint Turnpike Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill entitled "an act to revive an act for a land tax in the town of Plainfield," with an order of the house to refer the same to the 3^{d} joint land tax Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the following engrossed bills sent up for the concurrance of Council or their proposals of amendment: one "an act to enlarge the powers of a Com^{ee} appointed to lay out a Stage road from Middlebury to Pittsford," "An act incorporating an aquaduct Company in Brattleboro," "An act laying a tax of 2 cents pr acre on Parker's Gore," "An act laying a tax of 2 cents pr acre on Fletcher," "an act appointing a Collector of a land tax on the township of Elmore," "An act laying a tax of 4 cents pr acre on Holland," "an act appoints a Com^{ee} to lay out a Market road from Danville to St. Albans," "An act laying a tax of 3 cents pr acre on Kelly Vale," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

The pet. of Sam^{l} I. Mott was read, stating that he was a convict of State's prison & praying for pardon, which was taken into consideration & on the question Shall the prayer of Said Petition be granted? the Yeas & Nays were called for & taken as follows—Yeas, None—Nays, Brigham, Keyes, Wright, Bliss, Dennison, Cameron, Crafts, Seymour, Loomis & Smith—so the prayer of said pet. was not granted.

Rec^{d} from the house the following engrossed bills sent up for concurrance & revision or proposals of amendment, Viz. "An act to revive an act laying a tax on the town of Morgan," "An act laying a tax of 4 Cents pr acre on the town of Calais," "An act granting a Ferry to Abraham Conklin," "An act repealing an act annexing the 8th School district of New Haven to the Northwest School district of Middlebury," "An act discharging the person of Abishai Goodell from arrest or imprisonment for the term of 7 years," "An act granting liberty to Paul Brigham to sell lands," "An act for the relief of Arunah W. Hyde," "An act directing the Treasurer to pay Elihu Luce &c. the sum therein mentioned," "An act directing the treasurer to credit Jacob Whitman the sum therein mentioned," which were severally read & it was Resolved to concur with the house in their said bills & that the same pass & become laws.

Rec^{d} from the house the bill entitled "an act incorporating persons therein named by the name of the Windsor fire Society," with an order of the house to refer the same to a Com^{ee} of 4 to join a Comm^{ee} of Council, which was read & it was Resolved to concur with the house in their said reference. Mr Seymour was duly appointed.

Rec^{d} from the house the engrossed bills following, to wit, one "an act assessing a tax of 3 cents pr acre on Landgrove," the other entitled "an act laying a tax of 3 cents pr acre on the town of Brunswick," which were read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'C. A. M. Monday morning.

Monday October 28th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

Personally appeared in Council Benjamin Swan Esquire Treasurer elect & presented a bond in the penal sum of one hundred Thousand dollars, signed by himself as principal & Elias Keyes & Jacob Smith as sureties, conditioned that the said Benjamin Swan should well & truely execute the office of Treasurer of the State of Vermont for the year ensuing, which was read & it was Resolved to accept the same, whereupon the said Benjamin was duly qualifyed by receiving the necessary oaths of office as Treasurer as afores^{d}.

Rec^{d} from the house the pet. of the trustees of Middlebury College with an order of the house to refer the same to the joint Com^{ee} on the report of the trustees of Middlebury College, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill entitled "an act appropriating a field piece to Jefferson A tillery Company," with an order of the house to refer the same to the joint Military Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the bill entitled "an act to repeal a certain part an act entitled an act establishing a corporation by the name of the Randolph Turnpike Co^{y}," with an order of the house to refer the same to the joint Turnpike Com^{ee}, which was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the house the following engrossed bills sent up for concurrance, revision or proposals of amendment, Viz. "An act directing the treasurer to pay Amasa Stowell the sum therein mentioned," "An act freeing the body of Jonathan Ware from arrest & imprisonment for three Years," "An act granting John Rogers Jr. an exclusive privilege of keeping a ferry for the term therein mentioned," "an act granting Abel Baily & Alfred Nickols the exclusive right of keeping a ferry for the term therein mentioned," "An act freeing & releasing the body 4 of Jedediah Hutchins from arrest & imprisonment for the term of years," "an act in addition to an act directing when tenders may be made & when suits at law may be brought in certain Cases," "An act laying a tax of Six cents on each acre of in the town of Woodbury," "An act authorizing the Selectmen of Richford to survey the lands belonging to the public rights in said town," "An act laying a tax of 4 cents pr acre on the town of Canaan," "An act freeing the body of Moses Pier from arrest," "An act in alteration of & addition to an act incorporating certain persons therein mentioned by the name of the [Montpelier] Cotton & Woolen Manufacturing Company," "An act suspending the collecting of the State's prison tax against the town of Holland," "An act laying a tax on the County of Windham," "An act sus-

pending the collecting of the State's prison tax against Wm. D. Weeks," "An act for the relief of Thos. Miller," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Recd from from the house a resolution appointing a Comee to take into consideration the report of the bank Comee, which was read & it was Resolved to concur with the house in passing the same & Messrs Wright & Butler were appointed.

Recd from the house the bill entitled "an act in addition to the several acts relating to the Vermont State Bank, with an order of the house to refer the same to the above mentioned Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd from the house the report of the Comee on the pets. of Poultney, Wells & Middletown, with an order of the house to refer the same to a Comee of three to join, which was read & it was Resolved to concur with the house in their said reference & Mr Cameron was appointed.

Recd from the house the account of Daniel Pride &c. [and] "an act directing the Treasurer to pay Sewell Cutting the sum therein mentioned," with an order of the house on each to refer the same to the joint Comee of Claims; concurred.

Recd from the house the bill entitled an act authorizing the town of Barnard to make contracts &c. with an order of the house to refer the same to the joint turnpike Comee, which was read & it was Resolved to concur with the house in their said reference.

Recd the engrossed bill entitled an act granting relief to Joshua Chamberlin, which was read & passed.

Adjourned to 9 O'C. A. M. tomorrow.

Tuesday October 29th, 1811, 9 O'C. A. M.

Council met pursuant to adjournment.

His Honor the Lt Governor & Council proceeded to the Representatives' room to complete the County nominations, which being done they returned to their Chamber.

Recd from the house the account of Alexander Hutchinson with an order of the house referring the same to the joint Comee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Recd from the House the following engrossed bills, Viz. "an act to revive an act for a land tax on the town of Plainfield," "An act directing the treasurer to credit the first constable of Underhill the Sum therein mentioned," "An act laying a tax of 2 cents pr acre on the town of Sherburn," "An act extending further privileges to the Northern Turnpike Company," "An act repealing an act entitled an act dividing the state into districts for electing representatives to the Congress of the United States," "An act incorporating certain persons therein named by the name of Barre Allum Company," which were read & it was Resolved to concur with the house in passing the same into laws.

Recd from the house the bill entitled "an act directing the President & Directors of the Vermont State Bank at the Middlebury Branch to stay proceedings against Parley Davis & others for one year," with an order of the house referring the same to a Comee to join. Mr Crafts was duly appointed.

Recd from the house the bill entitled "an act appointing a Committee to lay out a road from Canaan to Holland," with an order of the house

to refer the same to a Com^ee to join, which was read & it was Resolved to concur with the house in their said reference & Mr Loomis was appointed to join.

Rec^d the bill entitled "an act to extend the betterment law," with an order of the house to refer the same to a Com^ee of 3 to join. Concurred & Mr Seymour was duly appointed.

Rec^d from the house the bill entitled "an act laying a tax on Duncansboro," which was read & it was Resolved to concur with the house in their said bill & that the same become a law with the following amendment, Viz. In line 10^th after the words "*old roads*" add "*except 50 dollars which shall be laid out on the road leading from Troy to Irasburgh.*"

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Rec^d from the house the engrossed bill entitled "an act laying a tax of 2 Cents pr acre on the town of Bridgewater," which was read & it was Resolved to concur with the house in passing this bill into a law.

Rec^d the engrossed bills as follows, sent up for concurrance &c. "An act incorporating certain persons therein mentioned by the name of the Farmers Cotton & Woolen Manufactory," "An act for the relief of Joshua Beckwith," "An act to prevent public injuries arising from the circulating of foreign bank bills," "An act directing the treasurer to pay Josiah Wright the sum therein mentioned," "An act incorporating certain persons therein named by the name of the Windsor fire society," which were severally read & it was Resolved to concur with the house in passing the same into laws.

The Gov. & Council proceeded to receive, sort & Count the votes for a Surveyor for public buildings for the Year ensuing, which being done it appeared that Mr Sylvanus Baldwin of Montpelier was duly elected.

Resolved. that the Council advise his Excellency the Governor to appoint the 3^d Wednesday of April next & that he is hereby advised to appoint said day to be observed as a day of public fasting & prayer throughout this State, and that he issue his proclamation accordingly.

Rec^d from the house the bill entitled "an act to authorize the County Court of Essex County to re-examine certain acc^ts of the Com^ee appointed to lay out a road from Guildhall" &c. with an order of the house to refer the same to the joint Com^ee of New trials, which was read & it was Resolved to concur with the house in their said reference.

On leave Mr Keyes introduced the bill entitled "an act in addition to an act relating to petitions to the Gen. Assembly;" ordered to lie on the table.

Adjourned to 9 O'C. [A. M.] tomorrow.

Wednesday October 30^th, 9 O'C. A. M.

Council met pursuant to adjournment.

Rec^d from the house a resolution appointing this day at the opening of the house in the afternoon a time for both houses to meet in joint Com^ee for the purpose of making further County appointments. to elect Directors for the State Bank, & Visitors of State prison; read & concurred. Also rec^d another resolution appointing the above mentioned time to meet as afores^d to elect 2 members of the Vermont University Corporation. Concurred.

Rec^d from the house the following engrossed bills sent up for revision & concurrance or proposals of amendment, Viz. "An act for the relief of Jonathan Bosworth Jr.," "An act directing the treasurer to pay Luther Martin the sum therein mentioned," "An act in addition to an act en-

titled an act organizing the County of Jefferson," "An act appointing a Com^ee to lay out & survey a market road from Connecticut river to the east line of Chelsea," "An act in addition to an act ascertaining the principles on which the list of this State shall be made up & directing Listers in their office & duty," "An act in addition to an act establishing the State Bank," "An act in addition to an act establishing a corporation by the name of the Randolph Turnpike Company," "An act in addition to an act incorporating certain persons by the name of the Monkton Argil Company," "An act supplementary to an act granting a Turnpike by the name of Missisqui Turnpike Company," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Rec^d from the house a resolution respecting an exchange of the laws of this State for those of other States, which was read & passed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Gov. Brigham introduced the bill entitled "an act in favor of the land owners of that part of Jay granted to Tho^s. Chittenden Esq^r. to divide their lands into Severalty," which was passed & ordered to be sent to the General Assembly for Concurrance.

Rec^d from the house the engrossed bill entitled "an act granting to Ja^s. Wheat & Ethan Bradley the exclusive privilege of Manufacturing Prussian Blue & Patent Yellow," which was read & it was Resolved to concur with the house in passing the same into a law with the following amendment, Viz. "*Provided nothing contained in this act shall be construed to affect or injure or impair any former Grant made by this legislature;*" Mr Loomis appointed to assign the reasons.

Rec^d from the house the following engrossed bills sent up for concurrance, revision or proposals of amendment, Viz. "An act laying a tax of 2 Cents pr acre on Walden;" Concur^d. "An act for the relief of Joseph H. Ellis;" Concurred with proposals of amendment as follows, Viz. in 3^d line from the bottom of Sec. 1^st after the word "*Execution*" add "*including officers' fees for commitment with interest on the whole from the date of said note.*" Mr Seymour assigned the reasons.

Rec^d also the following acts as afores^d, Viz. "An act laying a tax on Bolton," "An act reviving an act entitled an act incorporating certain persons therein named [by the name of the Vermont Glass Co] &c." "An act granting relief to Nancy Gallupp," "An act in addition to an act appointing a Committee to lay out & survey a road leading from White River to the Turnpike &c." "An act incorporating certain persons therein named by the name of the Rutland fire society," "An act establishing a corporation by the name of the Orange & Corinth Turnpike Company," "An act in alteration of an act defining the powers of justices of the peace within this State," "An act authorizing Essex County Court to reexamine certain accounts of a Com^ee," "An act appointing a Com^ee to lay out a road from Canaan to Holland," "An act making Vermont bank bills a tender in payment of all taxes," "An act directing the Treasurer of this State to pay Joel Tinker the sum therein mentioned," "An act establishing an Artillery Company in the 1^st Reg. 1^st Brig. & 3^d division of the Militia of this State," "An act authorizing Visitors of the State's prison to procure a bell & for other purposes," "An act for the relief of Moses Sage," "An act extending the betterment law," "An act appropriating the State tax in Poultney, Middletown, Ira & Wells," &c., "An act to alter & amend an act incorporating certain Turnpike Companies &c.," "An act providing for the management & government of the State's prison & repealing all acts & parts of acts &c." which were read & passed into laws.

A resolution appointing tomorrow morning a time to adjourn the Legislature was read & it was passed.

Adj^d to 8 O'C. A. M. tomorrow.

THURSDAY October 31^st, 8 O'C. A. M.

Council met pursuant to adjournment.

Rec^d the engrossed bill entitled "an act authorizing the town of Barnard to lay out a part of their highway tax on the Center Turnpike leading through said town," which was read & it was Resolved to concur with the house in their said bill & that the same pass & become a law, with certain proposals of amendment.

[Received] an act entitled "an act for the relief of Parly Davis," "An act providing for the management & government of the State's prison & repealing all acts &c.," "An act making appropriations for the present year," "An act directing the secretary of State to publish certain acts &c." which were severally read & it was Resolved to concur with the house in passing the same into laws.

Rec^d the report of the Com^ee on the New York resolutions for improving the inland navigation of said State, with a resolution referring the same to the next session of the Legislature, which was read & concurred.

Gov. Brigham introduced the following resolution: Resolved, the General Assembly concurring herein, that all business which remains unfinished at the rising of this legislature shall be referred to the next session thereof; [which was adopted.]

The following debenture of the L^t. Governor [and Council] was made out & accepted:

Names.	Mileage.	Amount of Mileage.	Attendance.	Amount of Attendance.	Amount of Debenture.
L^t. Gov. Brigham	50	6	22	88	94
Hon. N. Chittenden	30	3 60	10	15	18 60
B. Loomis	42	5 04	22	33	38 04
S. C. Crafts	42	5 04	22	33	38 04
G. Denison	120	14 40	22	33	47 40
F. Bliss	55	6 60	22	33	39 60
Wm. Hunter	60	7 20	22	33	40 20
H. Seymour	58	6 96	16	24	30 96
E. Butler	11	1 32	22	33	34 44
J. Cameron	35	4 20	17	25 50	29 70
J. Wright	130	15 60	22	33	48 60
P. Smith	72	8 64	22	33	41 64
E. Keyes	42	5 04	22	33	38 04
R. C. Mallary Secy	85	10 20	22	55	65 20
I. P. Dana Sheriff	30	3 60	22	33	36 60
Total amt	863	$103 56	309	540 50	641 06

The Gov. & Council proceeded to the Representatives' room and after an address to the throne of grace by the Rev^d Chaplain of the House the General Assembly Adjourned without day.

The foregoing from page 268 to page 326[1] inclusive, is a true journal of the proceedings of Council at their October session in the Year of our Lord Eighteen hundred & Eleven. R. C. MALLARY *Secretary.*

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[1] Pages of the manuscript Journal.

RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION, AT MONTPELIER, JULY 23-25, 1812.

STATE OF VERMONT ss. A Journal of the proceedings of the Governor & Council of the State of Vermont at their Special Session begun & holden at Montpelier in said State, on Thursday the twenty third of July A. D. Eighteen hundred & twelve, Present His Excellency Jonas Galusha Esq^r. Governor; His Honor Paul Brigham Esq^r. L^t. Governor; The Hon. Elias Keyes, Josiah Wright, Beriah Loomis, Noah Chittenden, William Hunter, Pliny Smith, Horatio Seymour, Frederick Bliss, John Cameron, & Samuel C. Crafts Esquires Councillors. Rollin C. Mallary Secretary; John Peck Esquire Sheriff.

The business of the Session was opened by an address to the throne of Grace by the Reverend Chester Wright.

His Excellency the Governor then Stated the reasons which induced the present meeting of the Council.

On motion of Governor Brigham it was Resolved that a Committee of three members be appointed to draft a memorial to the Secretary of War respecting a supply of arms for the militia of this State. Mess^s Brigham, Seymour & Crafts were appointed.

The Pet. of Addison Stewart, stating that he is a convict in State's Prison & praying for pardon, was read & it was Resolved to dismiss the same without consideration, it not being considered expedient at this time to attend to any private business.

Adj^d to 8 O'Clock A. M. tomorrow.

FRIDAY July 24^th, 1812, 8 O'C. A. M.

Council met pursuant to adjournment.

The Com^ee, app^d yesterday to draft a memorial to the Secretary of the War department respecting arms for the militia, made report which was read & on motion it was recommitted to the afores^d Com^ee.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

The following preamble & resolution was reported by the Committee appointed to draft a memorial &c.

"STATE OF VERMONT ss. IN COUNCIL July 24^th, 1812.

The Council of said State of Vermont, taking into consideration the existing war between the United States & Great Britain & considering that the State of Vermont is a frontier State bordering on the British province of Lower Canada, having a frontier of about Ninety miles, exposed to the inroads & depredations of the Enemy, are deeply impressed with the exposed & defenceless situation of our new Settlements on & near Canada line. The great exertion making in the province of Canada to organize an efficient military force has called the attention of

the Council to the Situation of our own State & induced a critical examination of our means of defence. We find that the orders for the detachment of Militia required of this State by the general Government have been promptly obeyed; we however find that the militia of this State, especially the northern & more exposed part of it, is extremely deficient in arms. That to arm the militia, in addition to the arms we now have, ten thousand Stands would be needed. In the northern Counties, we find it almost, if not wholly, impracticable for even the small number of Troops detached for the United States service to furnish themselves with arms. This State has none, & arms in any quantity are no where to be purchased. With these views of our situation, the Council deem it highly necessary that the destitute situation of this frontier be immediately made known to the executive of the General Government. And the Council cannot entertain a doubt but on a just representation being made of our Situation, this frontier will be supplied with arms by the General Government, either by making a deposit of a portion of the United States' arms within this State, to be used on emergencies, or by some other means as shall by them be deemed adviseable. It will be worthy of the consideration of the General Government, that the detached troops would, if supplied with the arms this State affords, be put to great inconvenience from having arms of every description & calibre requiring balls & cartridges of various sizes, & that these arms, tho' improper for troops who are furnished by the General Government with cartridges of a uniform size, would still be Useful for the defence of the Country in the hands of the inhabitants, who are in exposed situations & who would furnish themselves with ammunition suited to their pieces. It will further be considered that this State will probably have its full share of the burthen of the war by its being from its frontier situation exposed to constant alarms & possibly to the necessity of calling out the whole body of the militia for its own defence as well as for the benefit of the common cause, & if furnished with arms by the General Government, still bear their proportion of the expences of prosecuting & supporting the cause of the Union. Therefore,

Resolved, that his Excellency the Governor be requested to make known, as soon as possible, to the Executive of the General Government, the situation of this State as it respects arms; and also to solicit the executive to adopt some measure to place within this State such a number of arms as will upon an emergency enable the General Government to avail itself of the whole physical force of this State."

Which was read & it was Resolved to adopt the same.

Gov. Brigham introduced the following resolutions, which were read & adopted, Viz.

Whereas His Excellency the Governor has informed this Council that he has received one thousand stands of arms for the use of the militia of this State, which have been furnished by the General Government pursuant to an act of Congress of April 23^{d}, 1808, which requires that they should be distributed agreeable to the laws of the several States: And whereas there is no mode prescribed by any law of this State how said arms shall be distributed: And it appearing that there exists the greatest necessity that said arms should be placed in such Situations that in case of emergencies they can be used: Therefore,

Resolved that his Excellency the Governor be advised & he is hereby advised to place one hundred & fifty stands of said arms in the hands of Major General Cahoon, one hundred & fifty Stands of arms in the hands of Brigadier General Mattocks, one hundred Stands of said arms into the hands of Brigadier Gen^{l} Fassett, [and] one hundred Stands of said arms into the hands of Brigadier Gen^{l} Newell, with directions to use

them in a manner that will afford the greatest protection to the frontier parts of this State, by delivering them only to such men as are actually engaged in the defence of this State & who are unable to arm themselves, at the same time to have them in the best situation possible to be disposed of according to any future act of the legislature.

And whereas it appears that Col. Isaac Clark has furnished the detached militia under Col. Williams & now on the frontiers with one hundred & fifty Stand of arms belonging to the United States on his own responsibility: Therefore

Resolved, that should those arms so furnished be called for & returned, His Excellency the Governor is hereby advised to supply said detached Militia with arms to make up said deficiency during their term of service out of the arms delivered to Generals Newell & Fassett & out of those remaining in the hands of the Commissary General, at the expiration of said term of service said arms so furnished to be disposed of as the legislature may direct.

Adj^{d} to 9 O'C. A. M. tomorrow.

SATURDAY July 25th, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Mr Crafts introduced the following resolution, Viz. Resolved that His Excell^{y} the Governor request Maj. Gen^{l} Dearborn to order two or three Companies of the detached militia of this State to be stationed on or near the line in the Counties of Orleans & Essex;[1] which was read & passed; and the Council adjourned without day.

A true Journal, Attest R. C. MALLARY, *Secretary.*

The following is the Debenture of Council for the Special Session July, 1812:

Names.	Miles.	Amount of Travel.	Days.	Amount of Attendance.	Amount of Debenture.
Gov. Brigham	50	6 00	3	12 00	18 00
E. Keyes	42	5 04	3	4 50	9 54
B. Loomis	42	5 04	3	4 50	9 54
S. C. Crafts	42	5 04	3	4 50	9 54
J. Cameron	34	4 08	3	4 50	8 58
F. Bliss	55	6 60	3	4 50	11 10
J. Wright	130	15 60	3	4 50	20 10
H. Seymour	58	6 96	3	4 50	11 46
E. Butler	11	1 32	3	4 50	5 82
P. Smith	72	8 64	3	4 50	13 14
Wm. Hunter	60	7 20	3	4 50	11 70
N. Chittenden,	30	3 60	3	4 50	8 10
R. C. Mallary, Secy	80	9 60	3	7 50	17 10
J. Peck Esq^{r} Sheriff	11	1 32	3	4 50	5 82
		86 04		73 50	159 54

A Correct Debenture, R. C. MALLARY *Secy.*

[1] Immediately after the declaration of war, small companies of volunteers were stationed at Troy, Derby, and Canaan, who were furnished with ammunition and supported by towns in Caledonia, Essex, and Orleans Counties.—See *Ass. Jour.* of 1812, p. 185, and *Laws* of 1812, p. 176.

THIRTY-SIXTH COUNCIL.

OCTOBER 1812 TO OCTOBER 1813.

JONAS GALUSHA, Shaftsbury, *Governor.*
PAUL BRIGHAM, Norwich, *Lieut. Governor.*

Councillors:

BERIAH LOOMIS, Thetford,	HORATIO SEYMOUR, Middlebury,
ELIAS KEYES, Stockbridge,	WILLIAM HUNTER, Windsor,
JOSIAH WRIGHT, Pownal,	PLINY SMITH, Orwell,
EZRA BUTLER, Waterbury,	JOHN CAMERON, Ryegate,
FREDERICK BLISS, Georgia,	WM. C. BRADLEY, Westminster,
SAMUEL C. CRAFTS, Craftsbury,	WM. C. HARRINGTON, Burlington.

ROLLIN C. MALLARY, Castleton, *Secretary.*
JOHN PECK, Waterbury, *Sheriff.*

BIOGRAPHICAL NOTICES.

WILLIAM CZAR BRADLEY, LL. D., was born in Westminster March 23 1782, son of Stephen R. Bradley, graduated at Yale College in 1817, and admitted to the bar in 1802. He represented Weathersfield in the General Assembly in 1806, '7, '19, and 1852; was State's Attorney 1804 until 1812; Councillor in 1812; Member of Congress 1813 to March 1815, and 1823 to March 1827; and Presidential Elector in 1856. He was an agent of the U. S. under the treaty of Ghent. Rich in the wisdom that comes from learning, reflection, and intercourse with the ablest men of the country, he had also a ready wit and a large fund of anecdotes, so that in public addresses or social converse he was charming. For several years he was the candidate of the Democratic party in Vermont for Governor, but with many of his political associates he rebelled against the pro-slavery policy of the Democratic administration in 1856, and voted for John C. Fremont, the Republican candidate for President. His last published speech was in 1852, on the death of Daniel Webster, of which the editor of this volume has the original, in Mr. Bradley's hand-writing, which for elegance would do honor to a professional writing-master. A still later paper, written to the editor when Mr. Bradley was in his 76th year, is equally beautiful. This letter was not intended for the public, but the most of it is well worth publication. On the selection of Members of Congress he expressed an opinion which is equally applicable to other important offices—thus:

A long experience has proved to me that when we have good agents at the seat of government nothing can be more pernicious than what is called "the party rule" to send them for two terms and then supplant them just at the time when they have well learnt how to perform their duties and acquired their reasonable share of influence. No person would act on that principle in his private business. We are presumed in the first instance to select the best men, and when called upon shortly after to make a new selection are reduced to the necessity of taking the second best and so in succession until we get down to bran.

On the Supreme Court of the United States he gave the interesting reminiscences following :

As to the wicked decision in the Dred Scott case: * * It was thoroughly the opinion of Mr. Jefferson that the greatest danger to our institutions & liberties would come from the irresponsible Supreme Court, and it proves so, for the power of impeachment has now become a farce and the only remedy is to be found in what is called "the reserved rights of the States," which, after all, are but a weak and partial protection. The history of that Court is a singular one. It began prudently and well, but before the close of the last century began to be intoxicated with power to such a degree that I well remember that Judge Patterson, one of the best and mildest of them, used language on the bench in one of the political trials in Vermont under the sedition law which would at this day by all parties be deemed shameful. The trial of Judge Chase[1] put an end to this, and when afterwards Judge Story, who was very greedy of power and jurisdiction, came on the bench a young man and was pressing some high toned doctrine without success, he remarked to Judge Chase at their lodgings that he was much disappointed in finding the latter so moderate and yielding. "Judge Story," said Chase, taking his pipe out of his mouth, "if when having lived as long as I have you come to be impeached and escape by the skin of your teeth, you will be moderate enough." At any rate the effect was quite visible so long as Marshall lived, but when his successor came from Gen. Jackson's cabinet, (where, being under the control of a stronger and I think better man than himself, I find no fault with him,) he brought the political temper on the bench again and we see the fruits of it.

Col. William Chase Harrington came to Shelburne from Connecticut shortly after the revolutionary war and first appeared officially as delegate from that town in the Constitutional Conventions of 1791 and 1793, and representative in the General Assembly 1789 until 1795, when he removed to Burlington and soon won high reputation as a lawyer. He represented Burlington in the General Assembly 1798, 1802, 1804, and 1806 ; and was State's Attorney for Chittenden County 1791 until 1796, and 1798 until 1812. He was Councillor 1812 and 1813, and died in the last term of his office as Councillor, July 15 1814, aged 58 years.—Deming's *Catalogue; Vt. Hist. Magazine*, Vol. I, articles "Shelburne" and "Burlington;" and *Vt. Republican* of July 25, 1814.

[1] Samuel Chase of Maryland, on the bench 1796 until 1811.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1812.

STATE OF VERMONT ss. The following is a Journal of the proceedings of the Governor & Council of the State of Vermont at their session begun & holden at Montpelier in said State on the second thursday of October, it being the eighth day of said month in the Year of our Lord Christ one thousand eight hundred & twelve & of the independence of the United States the thirty seventh. Present, His Excellency Jonas Galusha Esquire Governor; His Honor Paul Brigham Esquire Lieut. Governor; The Honorable Josiah Wright, William Hunter, John Cameron, Pliny Smith, Frederick Bliss, Ezra Butler, Samuel C. Crafts, Elias Keyes & Beriah Loomis Esquires Councillors. Rollin C. Mallary Secretary; John Peck Esq^r. Sheriff of Jefferson County.

Mr Clapp of the House, appeared in Council & informed the Gov. & Council that the House of Representatives had organized & were ready to proceed to business. Ordered, that the Secretary inform the General Assembly that the Governor & Council have formed a quorum & are ready to receive any communication that the General Assembly may be pleased to make. The Secretary informed the house accordingly.

On motion of Governor Brigham it was Resolved that a Com^ee of five members of Council be appointed to join such Com^ee as the General Assembly may appoint for the purpose of receiving, sorting & counting the votes for Governor, L^t Governor, Councillors & Treasurer for the Year ensuing. Messrs Keyes, Crafts, Wright, Butler & Loomis were duly chosen & qualifyed.

Adjourned to 4 O'Clock P. M.[1]

4 O'CLOCK P. M.—Mr Hatch of the House appeared in Council & informed the Governor & Council that the house had convened & were ready to receive any communication that the Canvassing Committee has prepared to make. Ordered that the Secretary inform the house that the Governor & Council will immediately meet the General Assembly in the representatives' room to receive the report of the above mentioned Committee. His Excellency the Governor & the Hon. Council proceeded to the Representatives' room to receive in joint Com^ee the report of the Canvassing Committee, which was read declaring that the following persons were duly elected to the several offices affixed to their names, Viz. His Excellency Jonas Galusha Esq^r. Governor; His Honor Paul Brigham Esq^r. L^t. Governor; Benjamin Swan Esq^r. Treasurer; The Hon. Horatio Seymour, Josiah Wright, Pliny Smith, Frederick Bliss, Ezra Butler, Samuel C. Crafts, John Cameron, W^m. Hunter, Beriah Loomis, Elias Keyes, W^m. C. Harrington & W^m. C. Bradley Esq^rs. Councillors for the year ensuing, which being finished the Governor & Council returned to their Chamber.

Adj^d to 9 O'C. A. M. tomorrow.

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[1] The election sermon was preached by Elder Isaac Beal.

FRIDAY October 9th 1812, 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Present, His Honor Paul Brigham Esqr Lt. Governor. The Hon[l] Horatio Seymour, Josiah Wright, Pliny Smith, Frederick Bliss, Ezra Butler, Saml C. Crafts, John Cameron, Wm Hunter, Beriah Loomis, Elias Keyes, Wm. C. Harrington, Wm. C. Bradley, Esqrs, Councillors. Rollin C. Mallary, Secretary; John Peck, Sheriff.

Received from the house a resolution appointing the opening of the House this afternoon for the purpose of electing a chaplain by joint Ballot of both houses, which was read & it was Resolved to concur with the house in their said resolution.

The petition of John Arnold, a convict of State's prison, praying for a pardon, was read & ordered to lie on the table for consideration.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

His Excellency the Governor directed the Secretary to inform the House that he would appear in the Representatives' room at 3 o'clock this day for the purpose of receiving the oaths of office & making his communication, which was accordingly done.

Petition of Benjamin Hinman, a convict & prisoner in the State's prison, praying for a pardon, was read & ordered to lie.

His Excellency the Governor & the Hon. Council proceeded to the Representatives' room & after receiving the oaths of office the Governor delivered the following Speech to both branches of the Legislature.[1]

At this time the Gov. & Council & Genl Assembly resolved themselves into a Committee for the purpose of electing by joint ballot a Chaplain pursuant to the concurrant resolution of both houses. The Ballots being duly taken, sorted & counted, it appeared that Elder [Isaac] Beall of Pawlett was duly elected. The Governor & Council returned to their Chamber & resumed the consideration of business.

The Petition of Nathan Stevens, a convict confined in the State's prison, praying for a pardon, was read & Ordered to lie on the table. Petition of Elijah Remington, a convict confined in the State's prison & praying for pardon, was read & ordered to lie on the table. Petition of Jotham Starns, a convict confined in State's prison, was read & ordered to lie on the table. The Petition of Samuel Green, stating that he is a convict confined in State's prison & praying for pardon, which was read & dismissed. The Petition of Joseph Bevins was read, stating that he is a convict in State's prison & praying to be pardoned, which was read & it was Ordered to be dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

SATURDAY October 10th, 1812, 9 O'C. A. M.

The Council met pursuant to adjournment.

Resolved that His Excellency the Governor, or in his absence the Lt Governor, nominate all Committees to be raised by Council this Session.

Recd from the House a resolution appointing a Comee [of suspensions] of four members of the house to join a Comee appd by Council; members of the house chosen were Messrs. H. Olin, Luke Knowlton, T. Hammond & Bradford [Kinney,] which was read & Resolved to concur with the house in their said resolution & Mr Seymour was appd to join said Comee from Council.

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[1] For the speech see *Appendix* A.

Also rec^{d} a resolution app^{g} a Committee of four members of the house to join such Committee as the Council may appoint to be denominated a Turnpike Com^{ee}; on the part of the house were appointed Messrs Clapp, Graves, Matthews & Walker—which was read & Resolved to concur with the house in their said resolution & Mr Bliss was appointed.

Rec^{d} from the house a resolution appointing a Com^{ee} of four members to join such Com^{ee} as the Governor & Council might appoint to be called the Com^{ee} of Claims. Mess^{rs} Luce, A. Lyon, J. H. Andrews & L. Fitch were app^{d}, which was Read & it was Resolved to concur with the house in passing said resolution. Mr Wright was appointed on the part of Council.

Rec^{d} a resolution of the house raising three Committees of four members each to be denominated the 1st, 2^{d} & 3^{d} land tax Com^{ees}, to join such Committees as the Gov. & Council may appoint—Messrs N. Chittenden, Noble, Spaulding & E. Bailey appointed [on the first Land Tax Committee] on the part of the house, which was read & it was Resolved to concur with the house in passing the above resolution & Mr Cameron was appointed from Council.

Rec^{d} a resolution appointing a Com^{ee} of four members of the house to join a Com^{ee} of Council to be denominated the Committee of *New Trials*—Messrs J. Aiken, Smith, H. Allen of Milton & R. Enos of the house were app^{d}, which being read it was Resolved to concur with the house in passing said resolution & Mr Bradley was appointed on the part of Council.

Rec^{d} also a resolution of the house appointing a Com^{ee} of four members of the house to join a Com^{ee} of the Council to be denominated a Military Com^{ee} —Messrs Cahoon, Whitney, Geer & L. Fitch were app^{d} by the House, which was read & it was Resolved to concur with the house in s^{d} resolution, & His Honor L^{t} Gov. Brigham was app^{d}.

Also a resolution appointing a Committee of four to join a Committee of Council to be denominated a Committee of Manufactures—Messrs Barnum, U. C. Hatch, W^{m}. A. Palmer & Morton app^{d} of the House; read & Concurred in Council & Mr Butler app^{d} to join.

Rec^{d} from the house the petition of Jason Marsh with an order of the house to refer the same to a Com^{ee} to join, which was read & it was Resolved to join said Committee, being the Committee of Suspensions.

Received also the Petitions of El. W. Keyes [and] E. Matthews praying for acts of suspension with an order of the house on each referring the same to the joint Com^{ee} of Suspension, which were read & it was Resolved to concur with the house in passing these several orders to join said Committee.

Received from the house the petitions of Beulah Lyman & Abel Hubbard with an order of the house on each referring the same to the joint Committee of Claims, which were severally read & it was Resolved to concur with the house in the above orders of reference.

Rec^{d} from the House the Petitions of Daniel Rogers & others, of Stephen Avery & others, of Elisha Brown & others, of Miner Butler, of S. P. Webster & others, with an order of the house on each to refer the same to the joint Com^{ee} of Manufactures, which were severally read & Resolved to concur with the House in their said references.

Rec^{d} the Petitions of the Jefferson Artillery Company & of David H. Sumner & others with an order of the house to refer the same to the joint Military Com^{ees}, which were severally read & it was Resolved to concur with the house in each of their said references.

Rec^{d} the petition of David Taylor for a new Trial with an order of the house to Refer the same to the joint Committee of New Trials, which

was read & it was Resolved to concur with the house in their said reference.

Rec^{d} from the House the petitions of the Inhabitants of Rockingham, of Passumpsick Turnpike Corporation, of Connecticut River turnpike corporation, with an order of the house on each to refer the same to the joint Turnpike Committee, which were severally read & it was thereupon Resolved to concur with the house in each of said references.

The Petition of New Huntington was received from the house with an order thereof on the same referring the same to the 1st Joint Land tax Committee, which was read & it was Resolved to concur with the house in their said reference.

Received from the house the petition of Inhabitants of Brookline with an order of the house to refer the same to a Committee of three members of the House to join a Committee of Council, which was read & Resolved to concur with the house in said reference, & Mr Crafts was appointed.

The Petition of Asahel Goddard & others was received with an order of the house to refer the same to a Committee of three members of the house to join, which was read & it was thereupon Resolved to join said Committee of the house & Mr Hunter was appointed.

Received from the house the petition of Bradford Barnes & others with an order of the house to refer the same to a Committee of three to join a Committee of Council, which was read & it was Resolved to concur with the house in their above mentioned reference & Mr Smith was appointed.

The Petition of James Barber Jr. was received from the house with an order of the house to refer the same to a Committee of three to join, which was read & it was Resolved to concur with the house in their said reference & Mr Keyes was duly appointed on the part of Council to join above Com^{ee} of the house.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

Received from the house the petition of Concord for a Land tax with an order of the house to refer the same to the 1st Land tax Com^{ee,} which was read & it was Resolved to concur with the house in their said reference.

The Petition of the 1st Company of Cavalry with an order of the house to refer the same to the joint Military Committee, which was read & it was Resolved to concur with the house in said reference.

Received from the House a resolution referring so much of the Governor's Speech as relates to expences incurred by the extra Session of Council & of transporting arms &c. &c. to the joint Committee of Claims, which was read & it was Resolved to concur with the house in passing the above resolution.

Received from the house a resolution appointing a Com^{ee} to join a Committee of Council to take into consideration the best mode of districting the State for the choice of Members of Congress, which was read & it was Resolved to concur with the house in passing the above resolution & Messrs Loomis & Smith were duly appointed.

A resolution was received from the house referring so much of the Governor's Speech as relates to districting the State for the choice of Representatives to Congress to the Com^{ee} appointed on the last above mentioned resolution, which was read & it was Resolved to concur with the house in their above reference.

Received from the house a resolution referring so much of His Excellency's Speech as relates to regulating & arming the militia & preparing

equippage, distributing arms &c. &c. with an order of the house to refer the same to the joint Military Committee, which was read & Resolved to concur with the house in the above resolution.

Also received from the house a resolution referring so much of his Excellency's Speech as relates to Manufactures to the joint Committee on Manufactures, which was read & it was Resolved to concur with the house in their said resolution.

A resolution was received appointing a Committee of three members of the house to join a Committee of the Council to enquire into the expediency of passing a law giving some additional compensation to militia called into service, which was read & it was Resolved to concur with the house in passing the above resolution & Mr Wright was appointed.

The Petition of Stephen Hinman & others was received from the house with an order of the house to refer the same to a Committee of three members of the house to join a Committee of Council, which was read & it was resolved to join the above Committee of the house & Mr Cameron was appointed.

The petitions of Samuel I. Mott & David Sheffield, stating that they were convicts confined in State's prison, praying for a pardon, were severally read & Ordered to be dismissed.

Received from the house the petition of Nathan Smith Jr. with an order of the house to refer the same to a Com^ee^ of three members of the house to join a Com^ee^ from Council, which was read & it was Resolved to concur with the house in their said reference & Mr Loomis was appointed.

Received from the house the petition of Jason Duncan Jr. with an order of the house to refer the same to the joint Committee of Claims, which was read & Resolved to concur with the house in their said reference.

Received from the house the Petition of Ira Ladd & John Merriam, with an order of the house to refer the same to the joint Committee on new trials, which was read & it was by Council Resolved to concur with the house in their said reference.

The Petition of Anthony Jones was received with an order of the house to refer the same to the joint Committee of Suspension, which was read & it was Resolved to concur with the house in their said reference.

The Petitions of John Burroughs & others, Ira Morgan, George Ide, stating that they are convicts confined to hard labor & praying for pardon, were severally read & on motion Ordered to be dismissed.

Adjourned to Monday morning next at 9 O'Clock.

Monday October 12^th^, 1812, 9 O'Clock A. M.

Governor & Council met pursuant to adjournment.

Ordered that the Secretary present the following communication from His Excellency the Governor to the Honorable Speaker of the house of Representatives:

Hon. D. Chase Esq^r^· Speaker af the House of Representatives:

Sir,—I transmit to you for the information of the House an act of the Legislature of the State of New York for the purpose of designating & establishing the boundary line between that State & the State of Vermont; also a letter from his Excellency the Governor of said State of New York requesting that said act might be submitted to the General

Assembly of this State. The General Assembly will therefore adopt such measures in relation to this subject as it shall justly deserve.

JONAS GALUSHA.[1]

Received from the house the petition of Micah Sheldon for a new trial in a cause therein mentioned, with an order of the house to refer the same to the joint Committee of New trials, which was read & it was Resolved to concur with the house in the aforesaid reference.

The petition of Gideon Hawley & Obadiah Walker was rec^{d} with an order of the house to refer the same to the joint Turnpike Committee, which was read & it was thereupon Resolved to concur with the house in passing the above order of reference.

The Petition of Coit's Gore was received from the house with an order to refer the same to the 1st joint Land tax Com^{ee}, which was read & it was Resolved to concur with the house in the above reference.

Received from the house a resolution appointing a Committee of the house to join a Committee to be appointed by the Governor & Council to take into consideration so much of his Excellency's Speech as relates to finances, which being read it was Resolved to concur with the house in passing the same & Messrs Butler & Bradley were appointed.

Received from the house a resolution appointing a Committee of the house to join such Committee as the Governor & Council may appoint to take into consideration the propriety of organizing the companies of military exempts already formed & that may hereafter be formed, which was read & it was Resolved to concur with the house in passing the above resolution. Mr Crafts was appointed.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met pursuant to adjournment.

The petition of Samuel Corey, stating that he is a convict confined in State's Prison & praying for pardon, was read & on the question Shall the prayer of said petition be granted? the Yeas & Nays were called for & taken as follows: Yeas, Gov. Brigham, Messrs Wright, Smith, Bliss, Butler, Crafts, Cameron, Hunter, Loomis, Keyes, Harrington & Bradley —so the prayer of said Petition was granted & His Excellency the Governor was requested to issue a Pardon accordingly.

Received from the house a resolution appointing tomorrow morning a time for both houses to meet in their separate rooms to elect a Senator to represent this State in the Senate of the United States for the term of Six Years next from & after the 3^{d} day of March next, & then immediately after for both houses to meet in the representatives' room to declare the person elected, & if the ballots of the Separate branches disagree, then to proceed to elect a Senator by joint ballot; which was read & it was Resolved to concur with the house in passing the above resolution with the following proposals of amendment, Viz. erase the words "*tomorrow morning*" & insert "*on Monday next at 2 o'clock in the afternoon.*"

Received a resolution from the house appointing tuesday next at 4 O'Clock P. M. a time for the two houses to meet in County Conventions to make their County nominations & Wednesday next at the opening of the house in the forenoon to meet in joint Committee in Representatives' room to elect the County officers, which was read & Resolved to concur with the house in the above resolution.

Received the petition of James O. Walker with an order of the house to refer the same to a Committee of 3 to join a Com^{ee} of Council, which

[1] See *Appendix* K.

was read & it was Resolved to concur with the house in their said reference.

The Petition of Henry Olin was received with an order of the house to refer the same to a Committee of three members of the house to join a Committee which the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their above reference and Mr Hunter was duly appointed.

Received from the house a bill entitled "an act directing the Treasurer to credit the first Constable of the town of Ludlow the sum therein mentioned," with an order of the house to refer the same to the joint Committee of Claims, which was read & Resolved to concur with the house in their said reference.

The Petition of Laura Smith was received with an order of the house to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference.

Received from the house the petition of Andrew Bostwick with an order of the house to refer the same to the joint Committee of Suspensions, which was read & Resolved to concur with the house in their said reference.

The Petition of Parley Davis was received with an order of the House thereon referring the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their said reference & Mr Harrington was appointed on the part of Council.

The petition of Gamaliel Painter was received with an order of the house to refer the same to the joint Committee on the Petition of Parley Davis, which being read it was Resolved to concur with the house in the above reference.

Received from the House the bill entitled "an act for the relief of Martin Dunning," with an order of the house to refer the same to the joint Committee on the petition of Parley Davis, which was read & it was Resolved to concur with the house in their said reference.

The petition of Addison Stewart, a convict of State's prison, was introduced & read & on motion Ordered to be dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

TUESDAY October 13th, 1812, 9 O'C. A. M.

Governor & Council met pursuant to adjournment.

Received from the house a resolution appointing this day at 11 OClock in the forenoon a time for both houses to meet in the Representatives' room in joint Committee for the purpose of electing Judges of the Supreme Court, which was read & it was Resolved to concur with the house in passing this resolution.

The petition of Chester Peas, The petition of Samuel Green Jr., The petition of John Dunbar, The petition of Isaac Benson Jr. were severally read, stating that they were convicts confined within the walls of State's prison at Windsor, praying for pardon, whereupon, on consideration they were Ordered to be dismissed.

Received from the House a resolution requesting His Excellency the Governor, with & by the advice of Council, to appoint thursday the 3d day of December next a day to be observed as a day of fasting & prayer [thanksgiving and praise] throughout this State, & that he be requested to issue his proclamation accordingly, which was read & it was Resolved to concur with the house in the above resolution & hereby advise His Excellency to appoint said 3d day of December for the purpose afores^{d}.

Received from the house the following petitions for Land taxes: one from Eden, one from Stowe, one from Westfield, & one from Jay, with an order of the house on each referring the same to the 1st joint land tax Committee, which were severally read & it was thereupon Resolved to concur with the house in their said references.

Received from the house the bill entitled "an act directing the Treasurer to pay over to the treasurer of the town of Grafton the sum therein mentioned," with an order of the house to refer the same to the joint Comee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Received from the house the petition of John Emery praying for an act of suspension, with an order of the house referring the same to the joint Committee of Suspension, which was read & it was Resolved to concur with the house in the above mentioned reference.

Received from the house the Bill entitled "an act to credit the 1st Constable of Sheldon the sum therein mentioned," with an order of the house to refer the same to the joint Committee of Claims, which was read & it was resolved to concur with the house in said reference.

Received from the house the petition of sundry persons for a Turnpike from Westmoreland Bridge to New Fane with an order of the house to refer the same to the joint Turnpike Committee, which was read & Resolved to concur with the house in their said reference.

The Petition of Elam Markham praying for an act of suspension was received with an order of the house to refer the same to the joint Comee of Suspensions, which being read it was Resolved to concur with the house in the above reference. Also received the petition of David Little with an order of the house to refer the same to the joint Comee of Claims, which being read it was Resolved to concur with the house in their said reference.

[Received] The Petition of the Inhabitants of Moretown & the adjoining towns, praying to be freed from paying toll to the Winooskie Turnpike Company, with an order of the house to refer the same to the joint Turnpike Comee, which was read & it was Resolved to concur with the house in the foregoing reference.

The petitions of Jonathan Janes & Silas Hathaway praying for acts of suspension were received from the house with orders on each referring them to the joint Committee of Suspensions, which were severally read & it was Resolved to concur with the house in the said references.

Received from the House the Petition of the Inhabitants of Middlesex, praying to be exhonerated from paying toll to the Winooskie Turnpike Company, with an order of the house to refer the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in their said reference.

The Governor & Council proceeded to meet the House in the Representatives' room for the purpose of electing Judges of Supreme Ct. when ballots being taken, sorted & counted it appeared that The Hon. Royall Tyler was duly elected Chief Judge of said Supreme Court of Judicature & Court of Chancery, & the Hon. Theophilus Herrenton [Harrington], & David Fay were elected side or assistant Judges of said Court; which being compleated the Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.

2 O'Clock P. M.—The Council met pursuant to adjournment.

On the nomination of His Excellency the Governor, Mr Bliss was appointed to join the Committee appointed on the part of the house as the 2nd land tax Committee, and Mr Keyes was also appointed to join the Committee appointed by the house on the 3d land tax Committee.

Received from the house a resolution postponing the time for the meeting of County Conventions from 4 O'Clock this afternoon to 4 O'Clock in the afternoon on thursday next, & the time for both houses to meet in the Representatives' room to receive said nominations to be postponed until Friday next at the opening of the house in the morning, which was read & it was Resolved to concur with the house in the above resolution.

The petition of Stephen Couch & others praying for an act of incorporation, [was received] with an order of the house to refer the same to the joint Committee on Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Received from the House the Petition of Abel Morrell Jr. praying for a new trial in a certain cause, with an order of the House to refer the same to the joint Com^ee^ of New trials, which being read it was Resolved to concur with the house in their said reference.

Received from the House the Petitions for land taxes on the following towns, Viz. one for a tax on Lincoln, one for a tax on Duncansboro,' one for a tax on Salem & others, one for a tax on Goshen, Ripton, & Avery's Gore, with an order of the House on each to refer the same to the 2^d^ joint land tax Committee, which were severally committed by the Council to said Com^ee^ without reading.

Received from the house the Petition of Joshua Chamberlain with an order of the House to refer the same to the joint Com^ee^ of Suspension, which was read & it was Resolved to concur with the house in their said reference.

The Petition of David Brooks [was received] with an order of the house to refer the same to a Committee of 3 members of the house to join a Committee that may be appointed by the Gov. & Council, which was read & it was Resolved to concur with the house in their said reference & Mr Wright was appointed.

Received from the house the bill entitled "an act authorizing the Treasurer of this State to credit the 1^st^ Constable of Corinth the sum therein mentioned," with an order of the house to refer the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Received from the House a Petition for a market road through the counties of Caledonia, Orleans, & Franklin, with an order of the House to refer the same to a Com^ee^ of three members of the House to join a Com^ee^ of Council, which was read & it was Resolved to concur with the House in the above reference & Mr Hunter was appointed.

Petition of Selectmen of Cabot [was received] with an order of the House to refer the same to the joint Committee appointed on the above petition, which was read & it was Resolved to concur with the house in the above reference.

Received from the House the Petition of the Inhabitants of Wallingford to be annexed to the town of Mount Holly with an order of the house to refer the same to a Committee of three members of the house to join Such Committee as the Governor & Council may appoint, which was read & it was thereupon Resolved to concur with the house in said reference; Mr Smith was app^d^ on the part of Council.

Received the Petition of Gideon Horton & others with an order of the House thereon to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which was read & it was on motion Resolved to concur with the House in their above mentioned reference, & Mr Loomis was appointed.

Received from the House the bill entitled "an act establishing a

County Grammar School at Chelsea in the County of Orange," with an order of the House to refer the same to the joint Committee on the petition of Gideon Horton & others, which was read & it was Resolved to concur with the house in their said reference.

The Petition from Middletown was received from the House with an order of the same to refer said Petition to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, & it was read & Resolved to concur with the House in said reference & Mr Hunter was appointed to join said Com^ee^ from Council.

The Petition of Windsor County Physycians was sent up from the House with an order thereon referring the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their said reference & Mr Crafts was appointed.

The Petition of Joel Roberts was received from the House with an order of the house to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which was read & on motion it was Resolved to concur with the house in their said reference & Mr Harrington was appointed.

The Petition of Charles W. Grannis was received from the House with an order that the same should be referred to the joint Committee of Suspension, which was read & on motion it was Resolved to concur with the house in their said reference.

A Petition from Starksboro for a land tax was received from the House with an order thereon referring the same to the 2^d^ joint Land tax Committee, which being read it was thereupon resolved to concur with the house in their said reference.

The petition of Eliphas Thrall & others [was received] with an order of the House to refer the same to a joint Committee to be raised by both houses & that four members be appointed on the part of the house to join such Committee as the Governor & Council may appoint, which was read & it was on motion Resolved to concur with the house in their said reference & Mr Keyes was appointed to join said Committee from Council.

The Petition of Otis Gould was received with an order of the house to refer the same to the joint Committee of Manufactures, which was read & it was Resolved to concur with the house in their said reference.

Received the Petition of William Fay with an order of the House to refer the same to the joint Com^ee^ of Claims, which being read it was Resolved to concur with the House in their said reference.

The petition of Jonathan & Lemuel Barlow was received with an order of the house referring the same to the joint Committee of Suspensions, which being read it was thereupon Resolved to concur with the House in their said reference.

The Petition of Andover Band of Music was received with an order of the House to refer the same to the joint Military Committee, which being read it was on motion Resolved to concur with the House in their said reference.

The petition of the Inhabitants of Wells was received with an order of the house to refer the same to the joint Committee on the petition from Middletown, which being read it was thereupon Resolved to concur with the house in their said reference.

Received from the House a resolution appointing a Committee of the House to join such Committee as the Governor & Council may appoint to take into consideration the accounts & Charges of Col. Joseph Scott for services, supplies of provisions furnished the troops sent to Troy &c.

since the declaration of War, which was read & it was Resolved to concur with the House in passing the same & Mr Butler was appointed.

Received from the House a resolution appointing a Committee on the part of the house to take into consideration the expediency of passing a law suspending all civil process against the officers & soldiers, their persons & property, of this State, who are & who shall be called into service, which was read & it was Resolved to concur with the house in passing the same & Mr Harrington was appointed.

The Petition of John Sloan was Read, Stating that he is a convict confined to hard labor in the State's Prison at Windsor, & praying for a pardon, which being taken into consideration, it was Ordered to be dismissed.

Adjourned to tomorrow morning at 9 O'C. A. M.

Wednesday October 14th, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

The petition of Samuel Graves, a convict confined within the State's prison, praying for a Pardon, was read & Ordered to be dismissed.

The petition of Joseph Axtell, a convict of State's prison, was read & on motion Ordered to be dismissed.

Received from the House a bill entitled " an act incorporating certain persons therein named by the name of the Vermont Mineral & Iron factory Company," with an order of the House to refer the same to the joint Manufacturing Committee, which was read & it was on motion Resolved to concur with the house in their said reference.

Received from the house the petition of Salmon & Levi Hall with an order of the House to refer the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their said reference & Mr Keyes was appointed on the part of Council.

The petition of several of the inhabitants of Whiting, Cornwall, &c. for a road was sent up from the house with an order referring the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which was read & Resolved to concur with the house in their said reference, & Mr Cameron was appointed.

The petition of the Selectmen of Topsham [received] with an order of the house to refer the same to the 2d joint land tax Committee, which was read & it was Resolved to concur with the house in their said reference.

The Petition of Heman Lowrey was received with an order of the house to refer the same to the joint Committee of Claims, which was read & it was Resolved to concur with the House in the above mentioned reference.

Received the Petition of Ozi Baker with an order of the House to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the House in their said reference & Gov. Brigham was appointed.

The Petition of the Inhabitants of Mt. Tabor [received] with an order of the House on the same to refer the same to the Committee appointed on the Petition of the Inhabitants of Wallingford, which being read it was Resolved to concur with the house in their said reference.

Received from the House the bill entitled "an act establishing a County Grammar School in the County of Jefferson in the town of Montpelier," with an order of the house to refer the same to the joint Committee on the Petition of Gideon Horton, which being read it was Resolved to concur with the house in their said reference.

Received from the House the petition of the proprietors of Enosburgh with an order of the house to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in passing the above order of reference, and Mr Harrington was appointed.

The petition of James Lewis was received with an order of the house referring the same to the joint Committee on the Petition of James Barber Jr., which was read & it was Resolved to concur with the House in their said reference.

Received from the House the petition of Lutterloch for a Land tax, which had endorsed an order of the house to refer the same to the 2^{d} land tax Committee, which was read & it was thereupon on motion Resolved to concur with the house in their said reference.

The petitions of Asa Lasure & of Elijah Remington, stating that they had been convicted of crimes & sentenced by the Supreme Court of Judicature to confinement within State's prison & praying for a pardon, which were read & they were on motion ordered to be dismissed.

The account of Solomon Walbridge was received from the House with an order referring the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their said reference.

The petition of Elisha Bartholomew was received praying for an act of suspension, with an order of the house thereon referring the same to the joint Committee of Suspensions, which was read & it was Resolved to concur with the house in their said reference.

The Report of Visitors of State's prison was received with an order of the house referring the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference & Mr Harrington was duly appointed.

Received from the House the petition of Leonard Farewell & Stephen Fisk with an order of the house referring the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which was read & Resolved to concur with the house in their said reference & Mr Bradley was appointed.

The Petition of Moses Sage was received with an order of the House to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their said reference & Mr Smith was duly appointed.

Received from the House an engrossed bill entitled "an act to revive an act therein mentioned," sent up for revision & Concurrance or proposals of amendment, which being read it was on Consideration Resolved to concur with the house in passing the same into a law.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

The petition of Jonathan Babcock, a convict confined in the State's prison & praying for a pardon, was read & on motion Ordered to be dismissed.

The petition of Allen Bryant, a convict of State's prison, praying for a Pardon, which being read the Yeas & Nays were called for & taken on

the question shall the prayer of said Petition be granted? as follows Viz. Yeas Gov. Brigham, Messrs Seymour, Wright, Smith, Bliss, Butler, Crafts, Cameron, Hunter, Loomis, Keyes, Harrington & Bradley—Nays none; so the prayer of said Petition was granted, and His Excellency was requested to issue the pardon in due form of law.

Received a resolution from the House directing the [a] Committee of the House [on the petition of Lydia Barnard] to join a Committee to be appointed by Council, which was read & it was Resolved to concur with the House in the foregoing resolution & Mr Hunter was appointed on the part of Council.

Received from the House the petition of Amos Binney & others with an order of the House to refer the same to the joint Committee of Manufactures, which was read & it was on motion Resolved to concur with the House in their said reference.

The Petition of Zelotes Ray & others was received from the House with an order thereon referring the same to the joint Military Committee, which being read it was on motion Resolved to concur with the House in their said reference.

The Petition of William Tripp, praying for an act of suspension [was received] with an order of the House to refer the same to the joint Committee of Suspension, which was read & it was Resolved to concur with the House in their said reference.

The petition of Roxbury for a land tax [was received] with an order of the house to refer the same to the 1^{t} joint land tax Committee, which being read it was Resolved to concur with the house in their said reference.

The petition of Jonathan Cutler was received from the House with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in their said reference.

The petition of Stephen Couch & others, which had been referred to the joint Committee of Manufactures, who made report, which was referred to said Committee to join, [was received,] which Petition & report being read it was Resolved to concur with the house in their said reference.

The petition of Roderick Messinger [received] with an order of the house to refer the same to the joint Committee of Suspensions, which being read it was Resolved to concur with the House in their said reference.

The petition of Thomas Osborn was received with an order of the house to refer the same to the joint Committee of New Trials, which being read it was resolved to concur with the house in their said reference.

The Petition of Samuel Mix [received] with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

The Petition of Ebenezer Thompson [received] with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

The petition of John Levake with an order of the house to refer the same to the joint Committee of Suspensions was received & read & it was Resolved to concur with the house in their said reference.

Received from the House a resolution directing the joint Committee of Claims to take into consideration the propriety of providing by law for the payment of expences of towns in providing & furnishing Camp equippage, provisions &c. for detached Militia, which was read & it was Resolved to concur with the house in said resolution.

Received from the House the bill entitled "an act authorizing the Several towns to levy & collect taxes for the purposes therein mentioned," with an order of the house to refer the same to the joint Committee appointed on the resolution of the house for taking into consideration the making of additional compensation to the Militia in Service, which was read & it was Resolved to concur with the house in passing the foregoing reference of the House.

Adjourned to 9 O'C. tomorrow morning.

THURSDAY October 15th, 1812.

The Governor & Council met pursuant to adjournment.

Received from the House a resolution directing the joint Committee on the Petition of Laura Smith to take into consideration the expediency of altering the law authorizing Judges of Probate to empower administrators & executors to deed land, sent up from the house for concurrance, which being read it was Resolved to concur with the house in said resolution.

Received from the House the petition of Bridgewater for a land tax with an order of the house thereon to refer the same to the Second joint land tax Committee. which was read & it was Resolved to concur with the house in their said reference.

The Petitions of Dan White & of Elisha Lewis were received, praying for acts of suspension, which by an order of the House were referred to the joint Committee of Suspensions, which were severally read & Resolved to concur with the house in their said reference.

The petition of the Selectmen of Pawlett & others was received with an order of the House to refer the same to the joint Committee on the Petition of the Physicians of Windsor County, which being read it was Resolved to Concur with the House in their said reference.

Received from the House the bill entitled "an act establishing a Corporation by the name of the Windham County Centre Turnpike Company," with an order of the House to refer the Same to the joint Turnpike Comee, which was read & it was Resolved to concur with the house in their said reference.

The petition of the Sergeants of Col. William Williams' regiment was received with an order of the house to refer the same to the joint Committee on the resolution of the house to take into consideration the expediency of increasing the pay of the Soldiers of this State in service, which was read & it was Resolved to concur with the house in their said reference.

The petition of Duncansboro was received with an order of the house to refer the same to the joint Committee on the petition of Parley Davis, which was read & it was thereupon Resolved to concur with the house in their said reference.

On motion it is ordered that the resolutions of Council to dismiss the petitions of Chester Peas & John Dunbar, convicts of State's prison praying for pardon, which by order of Council had been dismissed, were now ordered to be rescinded & that said petitions are now open for consideration.

The petition of George Parker, a convict of State's prison praying for pardon, was now read & on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows—Yeas, Gov. Brigham, Messrs Seymour, Wright, Smith, Bliss, Butler, Crafts, Cameron, Hunter, Loomis, Keyes, Harrington & Bradley—Nays

none; so the prayer of said petition was granted & His Excellency the Governor was requested to issue a pardon in due form of law.

The petition of Ephraim Libbe, a convict confined to hard labor in the State's prison, was read & on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows, Viz. Yeas, Gov. Brigham, Messrs Seymour, Wright, Smith, Butler, Bliss, Crafts, Cameron, Hunter, Loomis, Keyes, Harrington & Bradley—Nays, none—so the prayer of said petition was granted & His Excellency was requested to issue a pardon agreeably to law.

The petition of Abel Willard, a convict confined to hard labor in the State's prison at Windsor, praying for a Pardon, was read & on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were Called for & taken as follows, to wit, Yeas, Gov. Brigham, Messrs Seymour, Wright, Smith, Bliss, Butler, Crafts, Hunter, Cameron, Keyes, Loomis, Harrington & Bradley—Nays, none—so the prayer of said petition was granted & His Excellency the Governor was requested to issue a pardon accordingly.

The petition of Jotham Starns was read, stating that he is a convict confined to hard labor in the State's prison at Windsor & praying for pardon, & on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows, Viz. Yeas, Gov. Brigham, Messrs Seymour, Wright, Smith, Bliss, Hunter, Crafts, Butler, Loomis, Cameron, Keyes, Harrington & Bradley—Nays none—so the prayer of said petition was granted & the Governor & Council Resolved to pardon the said Jotham Starns & His Excellency was requested to issue his pardon accordingly.

The petition of Benjamin Erwin, a convict confined to hard labor within the State's prison, was read & Ordered to be dismissed.

Adjourned to 2 O'C. P. M.

2 O'Clock P. M.—The Governor & Council met pursuant to adjournment.

The petition of James Erskine, a convict confined in the State's prison to hard labor & praying for a pardon, was read & on motion Ordered to be dismissed.

Resolved to rescind the order of dismissal of the petition of Addison Stewart. The petition of Addison Stewart, on which the order of the Governor & Council to dismiss had been rescinded, was now taken up & again on motion Ordered to be dismissed.

The Petition of Nathan Stevens, a convict confined to hard labor within the State's prison praying for pardon, was read & on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows, Yeas, Wright, Smith, Crafts, Cameron, Loomis, Harrington, Keyes & Bradley.—Nays, Gov. Brigham, Messrs Seymour, Bliss, Butler & Hunter: Yeas 8, Nays 5, So the prayer of said petition was granted & His Excellency was requested to issue a pardon accordingly.

The Petition of Chester Pease, a Convict confined to the State's prison to hard labor & praying for a pardon, which being read, on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows, Yeas, Gov. Brigham, Messrs Seymour, Wright, Smith, Bliss, Crafts, Cameron, Hunter, Loomis, Keyes, Harrington & Bradley—So the prayer of said petition was granted & His Excellency the Governor was requested to issue a pardon accordingly.

Adjourned to 9 O'C. A. M. tomorrow.

Friday October 16th, 1812, 9 O'C. A. M.

The Governor & Council met pursuant to adjournment.

Received from the House the petition of the Washington Artillery Company with an order of the House to refer the Same to the joint Military Committee, which being read it was on motion Resolved to concur with the House in their said reference.

The petition of Lavina Wait was received from the House with an order thereon referring the same to the joint Committee on the petition of Laura Smith, which being read it was on motion Resolved to concur with the house in their said reference.

The Petition of Ralph Paige Esqr. Treasurer of Rutland County, was received with an order of the house to refer the same to the joint Committee of new trials, which being read it was on motion Resolved to concur with the house in their said reference.

The petition of Samuel West was received from the House with an order to refer the same to the joint Committee of Suspensions, which being read it was Resolved to concur with the house in their said reference.

Received from the House the Bill entitled "an act to appropriate Grammar School Lands in the County of Franklin," with an order thereon referring the same to a Committee of 4 members of the house to join such Committee as the Governor & Council may appoint, which being read it was on motion Resolved to concur with the house in their said reference & Mr Butler was appointed.

The petition of Nathan Bristol praying for an act of Suspension was received with an order of the house thereon referring the same to the joint Committee of Suspension, which being read it was Resolved to concur with the house in their said reference.

Received from the house the petition of the Selectmen of Woodford with an order thereon referring the same to the 2d joint land tax Committee, which was read & on motion it was Resolved to concur with the house in their said reference.

His Honor the Lieutenant Governor & the Honorable Council proceeded at this time to meet the House in the representatives' room pursuant to the concurrant resolution of both houses, for the purpose of receiving the nominations of County Conventions & for making County appointments, & after making progress the joint Committee adjourned to three O'Clock P. M. this day & the Lt Governor & Council returned to their Chamber & adjourned to 2 O'C. P. M.[1]

2 O'C. P. M.—The Governor & Council met pursuant to adjournment.

Received from the House the engrossed bill entitled "an act directing the Selectmen of the town of Manchester to appraise damages to David Brooks & the Treasurer of said town to pay the Same," which was sent up by the house for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing said bill into a law.

The Petition of Eleazer Flagg & Rufus Parker, administrators to the estate of Jonathan Parker, late of Clarendon deceased, [received] with an order of the house to refer the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which was read & it was Resolved to concur with the house in their said reference, & Mr Bliss was duly appointed.

The Petition of Aaron Wheeler was received from the house with an order thereon appointing three members of the house to join such Com-

[1] Lieut. Gov. Brigham presided much of the time during this session on account of the sickness of Gov. Galusha.

mittee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr Bradley was appointed.

The petition of Ira Fox for a toll bridge was received from the House with an order on the same referring it to the joint Committee on the petition of James Barber Jr., which being read it was Resolved to concur with the house in their said reference.

Received from the house the Petition of the proprietors of Lunenburgh for a land tax with an order of the house to refer the same to the 2^{d} joint land tax Com^{ee}, which being read it was Resolved to concur with the house in their said reference.

The petition of Daniel Stanniford was received from the House with an order of the house to refer the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their said reference.

Received from the house a bill entitled "an act to revive an act therein mentioned," with an order of the house to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read Resolved to concur with the house in their said reference. Mr Butler was appointed.

Received from the House the Petition of Titus Hutchinson with an order of the House to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

Received from the house the bill entitled "an act altering the time of holding the August term of Orleans County Court," with an order of the house to refer the same to the Orleans County Convention, which being read it was Resolved to concur with the house in their said reference.

Received from the House the engrossed bill entitled "an act to authorize the conveyance of certain lands therein mentioned," which had been sent to the Governor & Council for their revision & Concurrance or proposals of amendment, which being read it was on motion Resolved to concur with the House in passing the same into a Law.

On motion of Gov. Brigham Resolved to rescind the order of dismissal of the petition of James Erskine a convict confined to hard labor in the State's prison, & that the same be now open for a hearing.

On motion Resolved that a member of Council be added to the joint Committee of Claims, & Mr Harrington was duly appointed.

Mr Hutchinson of the House appeared in the Council Chamber & requested the concurrence of the Governor & Council in a new resolution postponing until a further time the election of a Senator to represent this State in the Senate of the United States &c. which was until Wednesday next at the opening of the house in the afternoon, which being read it was Resolved to concur with the house in passing said resolution.

The petition of Aaron Hanscom, a convict confined to the State's prison praying for a pardon, was now called up & Ordered to be dismissed.

His Honor the Lieutenant Governor & Council proceeded to the Representatives' room to meet the House in joint Committee for the purpose of completing the appointment of County officers agreeable to adjournment, & after progress the joint Committee adjourned to Wednesday next at the opening of the house in the morning, when the Governor & Council returned to their Chamber.

Adjourned to 9 O'Clock A. M. tomorrow.

SATURDAY October 17th, 1812, 9 OClock A. M.

Council met pursuant to adjournment.

Mr Cameron obtained leave of absence until Wednesday next.

Received from the House a resolution pledging the Support of this State to the General Government during the Contest in which they are engaged with Great Britain, which being read, on the question will the Council concur with the House in passing said resolution? the Yeas & Nays were called for & taken as follows, Viz. Yeas, Gov. Brigham, Messrs. Seymour, Wright, Smith, Bliss, Butler, Crafts, Hunter, Loomis, Keyes, Harrington & Bradley; Nays, none: so the Governor & Council concurrred in passing said resolution.

Received from the house the account of the town of Danville against the State with an order of the house to refer the same to the joint Committee on the resolution respecting a compensation to the troops at Troy, which was read & it was Resolved to concur with the house in their said reference.

The petition of the Inhabitants of Stowe praying for a land tax was received from the house with an order thereon referring the same to the 1st joint land tax Committee, which being read it was Resolved to concur with the house in their said reference.

The petition of Nathan Ruggles was received with an order of the house to refer the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference & Mr. Crafts was duly appointed.

Received from the House of Representatives the following engrossed bills sent up for revision & Concurrance & proposals of amendment, Viz. "An act for the relief of Salmon & Levi Hall;" "An act extending the time allowed for completing the Vergennes & Willsboro Turnpike road;" "An act altering the name of William Razey;" "An act directing the treasurer of this State to credit the first constable of the town of Ludlow the sum therein mentioned," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment.

Received from the house the engrossed bill entitled "an act incorporating certain persons by the name of the Pittsford Manufacturing Company," sent up for concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing the same with the following proposal of amendment, Viz. "Sec 6th. And it is hereby further enacted that the meetings of said Corporation shall be held & the books kept in said Pittsford, & all the privileges of this act shall be under the control of this or any future legislature as the public good may require." Mr Butler was appointed to assign the reasons to the house.

Received from the house the accounts of the towns of Morristown, Lemington, & Swanton, with an order of the house on each to refer the same to the joint Committee on the resolution for compensating the Troops called out at Troy, which being severally read it was Resolved to concur with the house in their said reference.

Received from the House the report of the Committee appointed to settle with the Visitors of the State's prison, with an order of the house to refer the same to the joint Committee on the report of the sd Visitors, which report being read it was Resolved to concur with the house in their said reference.

[Adjourned to Monday morning next.]

MONDAY October 19th, 1812, 9 O'C. A. M.

The Council met pursuant to adjournment.

Received from the House the following engrossed bills sent up from the house for revision & concurrance or proposals of amendment, Viz. one entitled "An act directing the Treasurer of the State to pay over to the treasurer of the town of Grafton the sum therein mentioned," and "An act directing the Treasurer of this State to credit the first Constable of the town of Corinth the sum therein mentioned," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Received also the engrossed bill entitled "an act for the relief of Oliver Strong," sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing the same into a law.

The account of Peter Harding was received from the house with an order to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

The petition of the town of Elmore was received with an order of the house to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr Bradley was appointed.

The Petition of Morristown was received from the house with an order of the house to refer the same to the joint Committee on the petition of Elmore, which being read it was Resolved to concur with the house in their said reference.

Received from the House the Petition of Sawyer Jewett, Jonathan Jewett, & James Butler, with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in their said reference.

Received from the house the bill entitled "an act directing the treasurer of this State to credit Bethuel Goff, 1st Constable of Berlin, the sum therein mentioned," with an order thereon referring the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

The account of the town of Lunenburgh was received with an order of the house to refer the same to the joint Committee on the resolution respecting giving a compensation to troops called out & stationed at Troy, which being read it was Resolved to concur with the house in their said reference.

Received from the house the bill entitled "an act reviveing an act granting a Corporation by the name of the Boston & Montreal Turnpike Company," with an order of the house to refer the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in their said reference.

Received from the house the petition of Ralph Parker with an order of the house to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference; Mr Bradley was appointed.

Received from the house a petition to raise a Lottery, for making a road from Middlebury to Sudbury, with an order thereon referring the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference & Mr Bliss was appointed.

Received from the house the petition of James Lewis with an order thereon referring the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr Bliss was appointed.

Adjourned to 2 OClock P. M.

2 OClock P. M.—Council met pursuant to adjournment.

Received from the house a resolution directing the joint Committee on the resolution for Compensating the volunteers for their services at Troy to allow each man ten dollars pr month &c. which being read it was Resolved to concur with the house in passing said resolution.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act directing the Treasurer of the State to Credit the 1st Constable of the town of Corinth the sum therein mentioned;" "An act for the relief of Oliver Strong;" "An act directiug the Treasurer of the State to pay the Treasurer of Grafton the sum therein mentioned;" "An act for the relief of Samuel White;" "An act directing the Treasurer to deliver up to Thomas Hammond a certain note therein mentioned;" "An altering the name of Benjamin Hoar;" "An act incorporating certain persons therein mentioned by the name of the Vermont Iron & Copperas factory Company;" "An act for the alteration of the name of the town of Billey Mead to that of Sutton;" "An act directing the deed of Job & Theoda Wood to be given in evidence," which were severally read & it was thereupon Resolved to concur with the house in passing the same into laws.

The petition of James Erskine, a convict confined to hard labor in the State prison at Windsor, praying for pardon, which being read—on the question "Shall the prayer of said petition be granted?" the Yeas & Nays were called for & taken as follows, Yeas, Messrs Wright, Smith, Butler, Cameron & Loomis—Nays Messrs Seymour, Bliss, Hunter, Keyes, Harrington & Bradley: Yeas 5 Nays 6—so the prayer of said petition was not granted. Then the Yeas & Nays were called for on the question "Shall the prayer of said petition be so far granted that the petitioner shall be pardoned in all things concerning his offence excepting the costs of prosecution in which he was convicted? & the Yeas & Nays were taken as follows, Viz. Yeas, Messrs Wright, Smith, Bliss, Butler, Crafts, Hunter & Loomis, 7—Nays, Messrs Seymour, Keyes, Harrington & Bradley—4: so the prayer of said petition was granted so far as that the petitioner shall be pardoned in all things respecting his said offence excepting costs of prosecution, & that His Excellency be requested to issue a pardon in due form of law accordingly.

Adjourned to 9 O Clock A. M. tomorrow.

Tuesday October 20th, 1812, 9 O'C. A. M.

The Council met pursuant to adjournment.

Received from the house the following engrossed bills sent up for concurrence & revision or proposals of amendment, Viz. "An act granting to James Barber Jr. the exclusive right of Keeping a ferry;" "An act granting a tax of three cents pr acre on the town of Lincoln;" "An act laying a tax of three cents pr acre on the town of Lunenburgh;" "An act altering the time of holding the August term of Orleans County Court;" "An act restoring Ira Ladd & John Merriam to their law;" "An act in addition to an act granting [to James Lewis] exclusive privilege of keeping a ferry;" "An act altering the name of Elijah Farr;" "An

act laying a tax of three cents pr acre on the town of Woodford," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Received from the House the bill entitled "an act laying a tax of three cents pr acre on the town of Highgate" with an order of the house to refer the same to the 1st joint land tax Committee, which was read & it was Resolved to concur with the house in their said reference.

Received from the house the bill entitled "an act reviveing an act granting a corporation by the name of the Boston & Montreal Turnpike Company," with an order of the house to recommit the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in their said reference.

The Bill entitled "an act to alter the Grand list for the town of Bennington for the Year 1809," was received with an order of the house to refer the same to the joint Committee of Claims, which was read & it was Resolved to concur with the house in their said reference.

The account of St. Johnsbury against the State was received with an order of the house to refer the same to the joint Committee raised to enquire into the compensation which ought to be made to the troops called out at Troy, which being read it was Resolved to concur with the house in their said reference.

The Petition of Dinah Thayer was received with an order of the House to refer the same to the joint Committee on the petition of Lydia Barnard, which being read it was Resolved to concur with the house in their said reference.

Adjourned to 2 O'C. P. M.

2 O'Clock P. M.—Council met pursuant to adjournment.

His Honor the Lt Governor directed the Sheriff to Present the following communication to the Speaker:

Hon. D. Chase Esqr. Speaker of the House of Representatives: Sir, I transmit to you for the information of the house a Communication delivered to me by the Chief of the Iroquois or Cahnowaga Indians in behalf of their nation, & also a letter from General Dearborn in which he recommends them to the attention of this Government. The General Assembly will adopt some proper measures in relation thereto.

Paul Brigham.

Received from the House an engrossed bill entitled "an act incorporating certain persons therein mentioned by the name of the Thetford Copperas Factory Company," which was sent up for revision & concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing the same into a law.

The Petition of Jacob Dexter, a convict of State's prison, praying for a Pardon &c. which was read & it was ordered that said petition be dismissed.

Adjourned to 9 O'C. A. M. tomorrow.

Wednesday October 21st, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Received from the House the bill entitled "an act establishing a corporation by the name of the Windham County Centre Turnpike Company," with an order thereon referring the same to the joint Turnpike Committee, which being read it was Resolved to concur with the house in their said reference.

Adjourned to 2 O'C. P. M.

2 O'Clock P. M.—Council met pursuant to adjournment.

Mr Hutchinson of the House appeared in the Council Chamber & informed the Governor & Council that the House of Representatives were now ready to proceed to ballot for some suitable person to represent this State in the Senate of the United States. Ordered by the Governor & Council that the Secretary inform the House that they are now ready to proceed to ballot for some suitable person to represent this State in the Senate of the United States. Pursuant to the Concurrant resolution of both Houses, appointing 2 O'Clock this day a time to meet in their respective Chambers to elect by ballot some suitable person to represent this State in the Senate of the United States for the Term of Six Years next from & after the 3d day of March next, It was Resolved that the Governor & Council do now proceed to receive, sort & Count the votes for a Senator as aforesd. Whereupon the ballots being called for they were taken, sorted & Counted & it appearing that the Hon. Dudley Chase Esqr. having a majority of the whole number of Councillors present was declared duly elected on the part of the Governor & Council. Mr Clapp of the House appeared in Council Chamber & informed the Governor & Council that the House had proceeded to ballot for a person aforesd & were now ready to meet the Governor & Council in the Representatives' room to compare the result of their several ballotings. The Governor & Council now proceeded to meet the house in the Representatives' room to compare & ascertain the result of their several ballotings, when the Clerk of the House read the proceedings of the House & the Secretary of the Governor & Council read the proceedings of the Governor & Council, when it appeared that the Honorable Dudley Chase Esquire was duly elected by each branch of the Legislature & he was duly declared chosen & elected a Senator to represent this State in the Senate of the United States for the term of six years next from & after the 3d day of March next. The Governor & Council now returned to their Chamber & resumed the Consideration of business.

Received from the house the bill entitled "an act directing the treasurer to credit the first Constable of Royalton the sum therein mentioned," with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

Received from the house the Petition of the Moukton Argil Company with an order of the house to refer the same to the joint Committee on Manufactures, which being read it was Resolved to concur with the house in their said reference.

An act directing the sale of lands belonging to the heirs of Stephen Bennett, with the order of the house to refer the Same to the joint Committee on the Petition of Lydia Barnard, was received from the house, which being read it was thereupon Resolved to concur with the house in their said reference.

Received an account of the town of Cabot with an order of the house to refer the same to the joint Committee appointed on the resolution appointing them to take into consideration the compensation which ought to be given to the volunteers at Troy, which was read & it was Resolved to concur with the house in their said reference.

Received from the House the following resolution: In General Assembly Oct. 19th, 1812, Resolved that a Committee of three members of this house be appointed to join such Committee as the Governor & Council may appoint, to take into consideration the subject of authorizing the selectmen & justices of the peace of the several towns to abate or remove nuisances as in their judgment shall be injurious to the

health of the Inhabitants, which being read it was Resolved to concur with the house in passing said resolution & Mr Butler was appointed.

Ordered that Mr Keyes be appointed on the 1st land tax Committee.

Adjourned to 9 O'C. A. M. tomorrow.

THURSDAY October 22d, 1812, 9 OClock A. M.

The Council met pursuant to adjournment.

Received from the House the communication of His Honor the Lt Governor on Tuesday last on the subject of the *long talk* of the Chief of the Iroquois Indians with an order of the House to refer the Same to a Committee of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference.

Received from the house a resolution appointing a Committee of four members of the house to join such Committee as the Governor & Council may appoint, to take into consideration the expediency of passing a law more effectually to prevent the intercourse between this State & the enemies of the United States, which being read it was Resolved to concur with the house in passing said resolution & Mr Bradley was appointed.

Received from the House the petition of Solomon Bryant with an order of the House to refer the same to the Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr Crafts was appointed.

Received from the house the bill entitled "an act for the relief of the administrators to the estate of Jonathan Parker," with an order of the house to refer the same to the joint Committee formerly appointed on the said Administrator's petition, which being read it was Resolved to concur with the house in said reference.

Received from the House the bill entitled "an act in addition to an act relating to jails & jailors," with an order of the house on the same to refer it to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in said reference & Mr Seymour was appointed.

Adjourned to 2 OClock P. M.

2 O'CLOCK P. M.—Council met pursuant to adjournment.

The Secretary presented the following message of the Lt Governor in writing to the Speaker of the House:

Hon. Dudley Chase Esqr. Speaker of the House of Representatives:—

Sir, I transmit to you for the information of the house several resolutions received from the executives of several States. No. 1 Contains a resolution of the Legislature of the State of North Carolina on the subject of certain proposals of amendment to the Constitution of the United States. No. 2d Contains the proceedings of the Legislature of Tennessee respecting several proposals of amendment to the Constitution of the United States. No. 3d contains information of the proceedings of the Legislature of Maryland on the same subject. No. 4 contains the proceedings of the State of Georgia on the same subject. I would also inform the house that the Hon. Dudley Chase Esqr. who had been elected State's Attorney for the County of Orange, has declined the acceptance of said appointment; the General Assembly will therefore take the proper measures to supply the Vacancy thus occasioned.

PAUL BRIGHAM.

Received from the house the following Engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act in addition to an act incorporating certain persons therein mentioned by the name of the Paran Creek Manufacturing Company," "An act freeing the body of William Tripp from arrest or imprisonment for Six Years," "An act directing the Treasurer to credit the 1st Constable of Sheldon the sum therein mentioned," "An act restoring Nathan Smith Jr. to his privileges," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 OClock A. M. Tomorrow.

THURSDAY October 23d, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Received from the house the accounts of John Rankin, Harry Hall, Sherman Dewey, Benjamin Clapp, with an order of the house on each to refer the same to the joint Committee of Claims, which were severally read & it was Resolved to concur with the house in their said reference.

Received from the house the petition of Inhabitants of Richmond for a Lottery with an order of the house to refer the same to the joint Committee on the Petition of Julius Wilcox & others, which being read it was Resolved to concur with the house in their said reference.

Received from the House the bill entitled "an act for the relief of James White" with an order of the House to refer the same to the joint Committee on the petition of Farwell & Fisk, which was read & it was Resolved to concur with the house in their said reference.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act laying a tax of 3 cents pr acre on the town of Lutterloch;" "An act directing the Treasurer to pay Jason Duncan Jr. the sum therein mentioned;" "An act in addition to an act entitled an act regulating fees;" "An act annexing the south School district in the town of Underhill to the 2d or north school district in the town of Jericho in the County of Chittenden;" "An act authorizing the Sale of a farm therein mentioned," which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment.

Mr Bradley was excused from the Committee appointed to take into consideration the expediency of passing a law to prevent intercourse between this State & enemies &c. Mr Crafts was appointed in the room of Mr Bradley.

Received from the house a resolution directing the joint Committee on that part of His Excellency's Speech relating to finances to enquire into the state of the Treasury & the amt of taxes &c. which was read & it was Resolved to concur with the house in passing the same.

Received from the house the bill entitled an act reviving an act laying a tax of Six Cents pr acre on the town of Woodbury, with an order of the house referring the same to the 2d joint land tax Committee, which being read it was Resolved to concur with the house in passing the same order of reference.

Received from the house a resolution directing the Governor to purchase —— Stands of arms for the use of the militia &c. with an order of the house to refer the same to the joint Military Committee, which being read it was Resolved to concur with the house in their said resolution & reference.

Received from the house the bill entitled an act directing the treasurer to credit the town of Minehead the sum therein mentioned with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

Received the petition of Elam Jewett Jr. & others with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act laying a tax of three cents pr acre on the town of Goshen;" "An act laying a tax on the town of Ripton in the County of Addison," which being severally read it was Resolved to concur with the house in passing the same into Laws.

Adjourned to 9 O'Clock A. M. tomorrow.

Saturday October 24th, 1812, 9 O'C. A. M.

The Council met pursuant to adjournment.

The Secretary presented the following communication to the Hon. the Speaker of the House of Representatives:

To the Speaker of the House of Representatives: Sir, I transmit for the information of the House the Statement of the expences incurred in procuring arms for the militia of this State made by the Commissary General. The General Assembly will take such measures in relation to that subject as shall be deemed proper. Paul Brigham.

Received from the House a resolution directing the joint Military Committee to take into consideration the necessity of disbanding the several music Companies &c., which being read it was Resolved to concur with the house in passing the same.

Received from the house the bill entitled an act annexing the town of Mt Tabor to the County of Bennington with an order of the house to refer the same to the joint Committee on the petition of the Inhabitants of Middletown, which being read Resolved to concur with the house in their said reference.

Received from the House the following engrossed bills, sent up for concurrance & revision or proposals of amendment, Viz. "An act altering the name of John Morse 2d" "An act directing the Treasurer to credit Bethuel Goff, 1st Constable of Berlin, the sum therein mentioned;" "An act to revive an act laying a tax of three cents pr acre on the town of Highgate;" "An act laying a tax of three cents pr acre on the town of Roxbury;" which were severally read & Resolved to concur with the house in passing the same into laws.

Adjourned to 2 O'C. P. M.

2 OClock P. M.—Council met pursuant to adjournment.

Mr. Smith was appointed to join the Committee who were to take into Consideration the subject of Public lands belonging to Grammar Schools & on the petition of Gideon Horton & others.

Received from the House a resolution appointing friday morning next at 10 OClock forenoon a time for both houses to meet in joint Committee for the purpose of electing Electors of President & Vice President of the United States; which being read it was Resolved to concur with the house in passing the same.

Received from the house a bill entitled an act for the relief of James O. Walker, with an order of the house to refer the same to the joint

Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

Received from the house the bill entitled "an act directing the appointment of a new administrator," with an order of the house to refer the same to the joint Committee on the petition of Lydia Barnard; which being read it was Resolved to concur with the house in their said reference.

Received from the house the bill entitled "an act laying a tax of three cents pr acre on Coit's Gore," with an order of the house to refer the same to the 1st joint land tax Committee, which being read it was Resolved to concur with the house in their said reference.

Received from the House the bill entitled "an act directing the State's attorney of Chittenden County to deliver up a certain note therein mentioned," with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in their said reference.

The Communication from His Honor the Lt Governor was received with an order of the house to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in their said reference.

Received from the House the following engrossed bills sent up for revision & concurrance or proposals of amendment, Viz. "An act relating to the division of Enosburgh;" "An act directing the treasurer to pay the sum therein mentioned;" "An act reviving an act laying a tax on lands in Bridgewater;" "An act establishing an academy in Hubbarton in the County of Rutland;" "An act to regulate the Choice of a Council of Censors;" "An act organizing a corps of militia volunteered from exempts," which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'Clock A. M. Monday.

MONDAY October 26th, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Received from the house a resolution appointing Wednesday morning next at the opening of the House a time for both houses to meet to elect a Surveyor General, Auditor of accounts, & a person to preach the next election Sermon, which being read it was Resolved to concur with the House in passing said resolution.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz: "An act incorporating Miner Butler & his associates by the name of the Cloth Manufacturing Company;" "An act directing a note in favor of the Treasurer to be given up;" "An act appointing a Committee to lay out a road leading from Tunbridge to Strafford, County of Orange;" "An act incorporating persons therein named by the name of the Springfield Cotton & Woolen Manufacturing Company in Springfield;" which were severally read & it was Resolved to concur with the house in passing the same into laws.

Received from the house the bill entitled an act directing the Commissary general to procure arms, with an order of the house to refer the same to the joint Military Committee, which being read it was Resolved to concur with the house in their said reference.

Adjourned to 2 O'C. P. M.

2 O'C. P. M.—Council met agreeably to adjournment.

Received from the House the bill entitled "an act in addition to an act incorporating certain Turnpike Companies in the Western Counties of this State," with an order of the House to refer the same to the joint Turnpike Committee, which being read it was Resolved to concur with the House in their said reference.

Received from the House the following engrossed bills sent up from the House for revision & Concurrance or proposals of amendment, Viz. "An act laying a tax of three cents pr acre on the town of Westfield;" "An act for the relief of Leonard Farwell & Stephen Fisk;" "An act relating to the dower of Laura Smith widow [of Josias] Smith, late of Vergennes, deceased;" "An act for the Benefit of Eleazer Flagg & Rufus Parker administrators to the estate of Jon[a] Parker late of Clarendon deceased;" "An act establishing the County buildings & County Grammar Schools in Orleans County;" "An act laying a tax of three cents pr acre on Avery's Gore in the County of Addison;" which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Adjourned to 9 OClock A. M. tomorrow.

Tuesday October 27th, 1812, 9 OClock A. M.

Council met pursuant to adjournment.

Received from the House the Petition of Jason Pierce with an order thereon referring the same to the joint Military Committee, which being read it was Resolved to concur with the house in their said reference.

The Petition of Benjamin Picket was received with an order of the House to refer the same to the joint Committee on the petition of James Barber Jr., which being read it was Resolved to concur with the House in their said reference.

Gov. Brigham introduced, on leave, the following Resolution, which was passed by the Council: In Council October 27th, 1812. Resolved, the House of Representatives concurring herein, that a Joint Committee be appointed to take into Consideration the expediency of raising a number of Mounted Corps for a short period of service to be ready at a moment's warning. Messrs Wright & Keyes were appointed, which resolution was sent to the house for concurrance.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment: "An act appropriating the sums therein mentioned;" "An act for the relief of Solomon Bryant," which being read it was Resolved to concur with the house in passing the same into laws.

Adj[d] to 2 O'C. P. M.

2 Oclock P. M.—Council met pursuant to adjournment.

Received from the House the bill entitled "an act for the relief of John Howland," with an order of the House to refer the same to the joint Committee [on the petition of Nathan Smith Jr..] which being read it was Resolved to concur with the House in said reference.

Received from the House the bill entitled "an act providing for the removal of certain public nuisances," with an order of the House to refer the same to the joint Committee on the Resolution of Mr Chipman of the house of the 19th Instant, which being read it was Resolved t concur with the House in their said reference.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act for the relief of James White;" "An act constituting a Medical Society in the County of Windsor," which being read it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 O'Clock A. M. tomorrow.

WEDNESDAY October 28th, 1812, 9 O'Clock A. M.

Council met pursuant to adjournment.

Received from the House the account of the Town of Ryegate against the State with an order of the house to refer the same to the joint Committee on the resolution relating to the Volunteers Called out at Troy, which being read it was Resolved to concur with the house in their said reference.

Received from the House the bill entitled an act assessing a tax of two Cents pr acre on Kelly's grant No. 2, with an order of the house to refer the Same to the 2d joint land tax Committee, which being read it was Resolved to concur with the house in their said reference.

His Honor the Lt Governor & Council proceeded to the Representatives' room to meet the house in joint Committee for the purpose of electing an Auditor of Accounts against this State, a Surveyor General, & a person to preach the next election Sermon, & also to complete the County appointments, which being partly completed the joint Committee adjourned to Friday next at the opening of the house in the afternoon, when the Lt Gov. & Council returned to their Chamber.[1]

Adjourned to 2 O'C. P. M.

2 OCLOCK P. M.—Council met pursuant to adjournment.

Received from the House the bill entitled "an act directing the mode of detaching the Militia," with an order of the house to refer the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference & Messrs Wright & Harrington were duly appd.

Received from the House the resolution appointing a Committee to enquire into the expediency of passing a law allowing additional compensation to militia [mustered] into service, which had been referred to a joint Committee [and] now returned to Council with an order of the house to refer the same to the joint Committee raised on the above mentioned bill, which being read it was Resolved to concur with the house in said reference; the Committee first appointed being discharged.

Received from the House the bill entitled "an act directing the Commissary General to procure arms," with an order of the house to recommit the same to the former Committee, which being read it was Resolved to concur with the House in said reference.

Received from the House the engrossed bill entitled an act authorizing the appointment of a new administrator &c. sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing the same into a law.

Adjourned to 9 O'C. A. M. tomorrow.

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[1] The elections were as follows: Alexander Hutchinson Auditor of Accounts; Joseph Beeman jr. Surveyor General; Daniel Marsh of Bennington preacher of the next election sermon, and Martin Powell of Westford alternate preacher.

THURSDAY October 29th, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Received from the House the bill entitled "an act annexing a part of the towns of Chittenden, Brandon & Pittsfield [Pittsford] to the South School district in Philadelphia," with an order of the house to refer the same to the joint Committee on the pet. of Elipas Thrall, which being read it was Resolved to concur with the house in their said reference.

Received from the House the report of the Committee appointed to report the best way of districting the State for Representatives to Congress, with an order referring the same to said Committee to report a bill for a general Ticket, which being read it was Resolved to concur with the House in their said reference.

Received from the House the following engrossed bills sent up from the House for revision & Concurrance or proposals of amendment, Viz. "An act making appropriation for the debenture of the extra Session of the Council;" "An act appointing a Committee to lay out & survey a public road thro' a part of the towns of Whiting & Orwell;" "An act in amendment of an act regulating fees;" "An act in alteration of an act entitled an act incorporating certain Turnpike Companies in the Western Counties of this State," which being severally read it was Resolved to concur with the House in passing the same into laws.

Received from the House the engrossed bill entitled "an act directing the mode of distributing the arms &c." sent up for revision & Concurrance or proposals of amendment, which was read & it was Resolved to concur with the House in passing the same into a law with the following proposal of amendment, Viz. "Sec. 9th. *It is hereby further enacted*, "that all fines imposed agreeably to the provision of the 4 Section of "this act shall be collected & paid into the Treasury of the Town to "which the arms so refused to be delivered up belong & the Selectmen "of the several towns of this State shall have a right to draw from the "Treasury of their respective towns such part of the monies as may be "collected on fines imposed by this act as shall be needed to keep good "either by purchase or repairing the arms delivered to them & appro- "priate the money for that purpose." Mr Seymour was appointed by the Council to assign the reasons to the House.

Received from the House the engrossed bill entitled "an act for the relief of Abel Morrill Jr." sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to nonconcur with the house in passing said bill & the following reasons were assigned & sent to the house: "1st. Because after hearing all the evidence we "believe no conditions were entered into on the part of the Government "which have not been fulfilled. 2d. If any such condition had been made "on the part of the Government ample opportunity has been given to shew "the same to the Court before whom the recovery was had. 3d. It would "be dangerous to make a decision on ex parte testimony over the Courts "of Justice in a question of this nature, especially after repeated trials "have been had on the same."

Adjourned to 2 OClock P. M.

2 OCLOCK P. M.—Council met pursuant to adjournment.

Received from the House the Bill entitled "an act in alteration of an act laying a tax on Avery's Gore," with an order of the house to refer the same to the 2d joint land tax Committee, which being read it was Resolved to concur with the house in their said reference.

Received from the House the Communication from Benjamin Swan, Treasurer, with an order of the house to refer the same to the Committee of three members of the House to join such Committee as the Gov-

ernor & Council may appoint, which being read it was Resolved to concur with the House in their said reference. Mr Bradley was appointed.

Received from the House the bill entitled "an act explanatory of an act entitled an act to repeal an act & parts of an act &c." with an order of the House to refer the same to a Committee of four members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the House in their said reference & Mr Harrington was appointed.

Received from the House the bill entitled "an act granting exclusive right of ferriage to James Hunt &c." with an order of the House to refer the same to the joint Committee on the petition of James Barber Jr., which being read it was Resolved to concur with the house in their said reference.

Received from the House the petition of the proprietors' Clerk of Lutterloch &c. with an order of the House to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the house in their said reference. Mr Smith was appointed on the part of the Council.

The engrossed bill entitled "an act authorizing Ira Lawrence & Polly Fobes widow & relict of Eliab Fobes &c." was called up & on the question Will the Gov. & Council concur with the house in passing the same into a law ? it was resolved to nonconcur & the following reasons were sent down to the House in writing, Viz.[1]

The Honorable Royall Tyler Esq^{r} appeared in Council, when the Oaths of office were duly administered to him as Chief Judge of the Supreme Court of Judicature & Court of Chancery of the State of Vermont.

Adjourned to 9 O'C. A. M. tomorrow.

Friday October 30th, 1812, 9 OClock A. M.

Council met pursuant to adjournment.

Received information from the House that they had concurred in the bill entitled "an act directing the mode of distributing arms."

The following Communication was presented to the Speaker of the House of Representatives:

The Hon. The Speaker of the House of Representatives: Sir, I would inform the House that the office of Brigadier General of 1st Brigade & 1st division has become vacant by the removal out of this State of General Reed for more than one Year last past. The General Assembly will take proper measures to fill the said vacancy. There are vacancies in the Board of Trust of the University of Vermont occasioned by the nonacceptance of Asa Aldis Esq^{r} & the Resignation of the Hon. James Fisk. This will likewise receive the attention of the General Assembly. There is received a box containing the acts & Laws of the 3^{d} Session of the 11th Congress of the United States; the General Assembly will please to direct the mode of distribution. Paul Brigham.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act for the relief of Perry Harding;" "An act granting to Benjamin Picket the exclusive right of keeping a ferry;" "An act granting a Toll bridge to

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[1] The reasons were not entered on the journal of either house, but they were conclusive, as the House subsequently dismissed the bill.

Ira Fox;" "An act appointing a place for the meeting of the Electors of President & Vice President of the United States;" which were severally read & it was Resolved to concur with the house in passing the same into laws.

Gov. & Council proceeded to meet the House in the Representatives' room for the purpose of Choosing electors for President & Vice President of the United States, which being compleated the Gov. & Council returned to their Chamber & adj^{d} to 2 O'C. P. M.[1]

2 Oclock P. M.—The Council met pursuant to adjournment.

Appeared in Council Chamber General Solomon Talborn & Col. Lewis Vaudreuil, Chiefs of the Iroquois or Cognowaga nation of Indians, accompanied by Mr Williams their interpreter, when his Hon. the L^{t} Governor addressed them in a *talk* & made the presents provided for by law, when they withdrew.[2]

The L^{t} Governor & Council proceeded to the Representatives' room to meet the House in joint Committee for the purpose of completing the County appointments, & after making progress the Joint Committee adjourned to Monday next at the opening of the House in the afternoon. The L^{t} Governor & Council returned to their Chamber & adjourned to 9 O'Clock A. M. Tomorrow.

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Saturday October 31st, 1812, 9 O Clock A. M.

Council met pursuant to adjournment.

Mr Palmer of the House appeared in Council Chamber & returned the bill entitled "an act for the relief of Abel Morrill Jr." which had been sent down from the Council nonconcurred & which had again been passed & sent to the Gov. & Council for revision & Concurrance &c., when on motion it was Resolved to rescind the vote of nonconcurrance to the bill & that the same be passed into a Law.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act relating to the Commissary department;" "An act in addition to an act ascertaining the principles upon which the list of this State shall be made & directing the Listers in their office & duty;" which were severally read & it was Resolved to concur with the House in passing the same into Laws.

Received from the House a resolution appointing a Committee of five members of the House to join such Committee as the Governor & Council may appoint to enquire into the situation with respect to danger on our northern frontiers & to see if any more troops are neces-

[1] Nathaniel Niles, Noah Chittenden, William Slade, John H. Andrus, Elihu Luce, Josiah Wright, William A. Griswold, and Mark Richards were elected.

[2] The committee on the petition of the Indians reported that Vermont could not accede to their claim, nor stipulate an annual payment of money, but recommended an appropriation of one hundred dollars for presents to the representatives of the claimants, and of an additional sum not exceeding one hundred dollars to pay their expences. A bill for this purpose passed both Houses.—See printed *Assembly Journal* of 1812, pp. 139, 140; and printed *Laws of Vermont* of 1812, p. 65.

sary for the safety &c. which was read & it was Resolved to concur with the house in their said resolution. Mr Crafts was duly appointed.

Received from the House the petitions of E. W. Keyes; of John Levake; Joshua Chamberlain, with an order of the House on each to refer the same to the Joint Committee of Suspensions, which being read it was Resolved to concur with the House in their said references.

Adjourned to 2 O'Clock P. M.

2 OClock P. M.—Council met pursuant to adjournment.

Received from the House the following engrossed bills sent up for concurrance or proposals of amendment, Viz. "An act authorizing the 1st Constable of Canaan to complete the Collection of taxes therein mentioned;" "An act assessing a tax of 3 Cents pr acre on Kelly's Grant No. 2," which were read & it was Resolved to concur with the House in passing the same into laws.

The Petition of John Arnold was read, stating that he is a convict confined to hard labor in the State's Prison & praying for pardon & on the question Shall the prayer of said Petition be granted? The Yeas & Nays were called for & taken as follows—Yeas, Gov. Brigham, Messrs Wright, Smith, Crafts, Loomis, Keyes & Harrington—7; Nays, Messrs Seymour, Bliss, Hunter & Bradley—4: so the prayer of said petition was granted & His Excellency the Governor was requested to issue his pardon accordingly.

Received from the House the bill entitled "an act more effectually to prevent intercourse with the enemies of this State," with an order of the House thereon to recommit the same to the first Committee raised on that subject, which being read it was Resolved to concur with the House in said reference.

Adjourned to Monday next at 9 O'C. A. M.

Monday November 2d, 1812, 9 O Clock A. M.

Council met pursuant to adjournment.

Received from the House a resolution appointing Tuesday morning next at the opening of the House a time for both branches of the Legislature to meet to elect two members of the Corporation of the University of Vermont, & a Brigadier General for the 1st Brigade & 1st division of the Militia of this State, which being read it was Resolved to concur with the House in passing the same.

Received from the House the bill entitled "an act directing the treasurer to pay Elam Jewett Jr. & others the Sum therein mentioned," sent up for revision & concurrance or proposals of amendment, which being read it was Resolved to concur with the House in passing the same into a Law.

Received from the House the bill entitled "an act for the preservation of Beaver & Muskrats," with an order of the House to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which being read Resolved to concur with the House in their said reference & Mr Smith was appointed.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act laying a tax of two cents pr acre on the town of Eden;" "An act directing the Commissary General to procure arms for this State;" "An act granting relief to Ralph Barker;" "An act granting a new trial therein mentioned;" which were severally read & it was Resolved to concur with the House in passing the same into laws.

Mr Bradley introduced a bill entitled "an act in addition to an act establishing permanent Salaries for the judges of the Supreme Court of this State:" which being read it was passed & ordered to be sent to the General Assembly for Concurrance.

Adjourned to 2 OClock P. M.

2 OClock P. M.—Council met pursuant to adjournment.

The account of Gov. Galusha was received with an order of the House to refer the same to the joint Com^ee of Claims, which was read & it was Resolved to concur with the House in their said reference.

Received from the House the bill entitled "an act providing for a tender in certain Cases therein mentioned," with an order of the House to refer the same to a Committee of four members of the House to join such Committee as the Gov. & Council may appoint, which being read it was Resolved to Concur with the House in their said reference. Mr Harrington was appointed.

Received from the House the bill entitled "an act empowering the Inhabitants of the town of M^t pelier to build a town House," with an order of the House to refer the same to a Committee of four members of the house to join such Committee as the Gov. & Council may appoint, which being read it was Resolved to concur with the House in their said reference & Mr Wright was appointed.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act directing the Treasurer to pay David Little the sum therein mentioned;" "An act authorizing Joel Roberts to deed certain lands therein mentioned;" which were severally read & it was Resolved to concur with the house in passing the same into Laws.

Agreeable to law the Gov. & Council proceeded to elect a person as Surveyor of public buildings for the Year ensuing: & the ballots being taken, sorted & Counted, it appeared that Sylvanus Baldwin of Montpelier had a majority & was declared duly elected.

The Governor & Council proceeded to the Representatives' room to meet the House in joint Committee to Complete the County appointments, which being done the Committee adjourned to tomorrow morning at the opening of the House, when the Governor & Council returned to their Chamber & adjourned to 9 O Clock A. M. tomorrow.

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Tuesday November 3^d, 1812, 9 O Clock A. M.

Council met pursuant to adjournment.

The following engrossed bills were passed & became laws, viz. "An act directing the Treasurer to pay Abel Hubbard the sum therein mentioned;" "An act granting relief to Micah Sheldon."

Adj^d to 2 OClock P. M.

2 O Clock P. M.—Council met pursuant to adjournment.

Benjamin Swan Esq^r Treasurer elect appeared in Council Chamber & presented a bond signed by himself as principal & Elias Keyes & Jacob Smith as sureties—Conditioned for his faithful performance of the duties of Treasurer, which being approved by the Governor & Council the oaths of office were administered to him in due form of Law.

Received from the House the engrossed bill entitled "an act in addition to an act entitled an act directing of the election of the Governor, L^t Governor, Treasurer & Councillors," which being read it was Resolved to concur with the House in passing the same with the proposal

of several amendments. Mr Harrington was appointed to assign the Reasons to the House.

Received from the House the engrossed bill entitled "an act appointing Commissioners for purposes therein mentioned;" sent up for revision & Concurrance & proposals of amendment, which being read it was Resolved to concur with the House in passing the same with the following proposals of amendment, Viz. In the 4 Section after the words "*first Sessions,*" erase these words "*on Wednesday the* 16*th day of December next at the Court house in Middlebury in the County of Addison,*" & insert in the place thereof "*on tuesday the* 15*th day of December next at the Court House in Rutland in the County of Rutland.*" Mr Harrington was appointed to assign the reasons.

The account of Jonathan Orms was received with an order of the House to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in their said reference.

The bill entitled "an act regulating hoop poles, Staves & Heading" was received with an order of the House to refer the same to a Committee of three members of the House to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the House in said reference. & Mr Loomis was appointed.

Received from the House a resolution on the subject of a permanent Seat of the Legislature with an appointment of four members of the House to take into consideration the same to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the House in passing the same & Mr Keyes was appointed.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act directing the Treasurer to issue his Warrant to the 1st Constable of Grand Isle;" "An act empowering John & Nancy Cheney to deed land;" "An act directing the Treasurer to pay Harry Hale the sum therein mentioned;" "An act for the relief of John Howland;" "An act assessing a tax on the County of Franklin;" "An act to revive an act therein mentioned;" "An act directing the Treasurer to credit the town of Minehead [Bloomfield] the sum therein mentioned;" "An act granting the exclusive right of ferriage from Burlington in the State of Vermont to &c.;" "An act establishing the Goal in the County of Jefferson a prison for receiving & Safe Keeping prisoners committed under the authority of the United States;" which were severally read & it was Resolved to concur with the House in passing the same into Laws.

Mr Olin of the House appeared in Council Chamber & returned the bill entitled "an act appointing a board of Commissioners for the purposes therein mentioned," which had been sent down to the House with proposals of amendment in which the General Assembly had not concurred, & he assigned the reasons and withdrew: When on motion it was Resolved to rescind the proposals of amendment to said bill last above mentioned, & that the same pass & become a law.

Adjourned to 9 OClock forenoon tomorrow.

Wednesday November 4th, 1812, 9 OClock A. M.

Council met pursuant to adjournment.

The following Communication from His Honor the Lt Governor was presented to the Speaker:

The Hon. the Speaker of the House of Representatives: Sir, I transmit to you for the information of the House [a communication] on the sub-

ject of the drafted militia in service. I also transmit the returns made to the executive of this State from General Orms of the drafted troops under his Command, as well as the return of Major Storrs of troops stationed at Darby. PAUL BRIGHAM.

Mr Hutchinson of the House appeared in Council Chamber & returned the engrossed bill entitled "an act in addition to an act directing the mode of electing Governor, L^t^ Governor &c." which had been sent down to the House with Certain proposals of amendment, & he assigned the reasons after having informed the Council that the General Assembly did not concur in said proposals of amendment—whereupon it was Resolved to rescind said proposals of amendment & pass said bill with other proposals of amendment.

Received from the House a resolution appointing a Committee to take into consideration the propriety of removing the places of Holding the Circuit Court of the United States within this State & request the Representatives in Congress & instruct the Senators to endeavor to obtain said removal, which being read it was Resolved to concur with the House in passing the same & Mr Butler was appointed.

Received from the House the following engrossed bills sent up for Concurrance or proposals of amendment, Viz. "An act for electing Representatives to Congress & directing the mode of their election;" "An act directing & authorizing the Treasurer of this State to pay the sum therein mentioned;" which were read & it was Resolved to concur with the House in passing the same into Laws.

Received from the House the Petition of John Guild & others with an order to refer the same to the joint Committee of Manufactures, which being read it was Resolved to concur with the House in passing said reference.

Received from the House the bill entitled "an act for the relief of John Palmatier," with an order of the house to refer the same to the joint Committee of Suspensions, which being read it was Resolved to concur with the House in said reference.

Received from the House the bill entitled "an act in addition to an act relating to goals & goalers," with an order of the House to refer the same to the joint Committee who reported the bill, when it was Resolved to concur with the house in said reference.

Mr Bradley introduced a resolution directing the Secretary of State to publish the act for electing Representatives to Congress, which passed & was ordered to be sent to the General Assembly for concurrance.

Received from the House the engrossed bill entitled "an act for the relief of Jonathan & Lemuel Barlow," which was read & it was Resolved to concur with the House in passing the same with the following proposal of amendment, Viz. Erase the whole of the 1^st^ proviso of the bill, & in lieu thereof insert the following Proviso: "*Provided*, that the "said Jonathan & Lemuel Barlow take no benefit by this act until they "shall lodge with the Clerk of the County Court in Addison County a "bond with sureties to the satisfaction of one of the Judges of said Ad- "dison County Court, conditioned that the said Jonathan & Lemuel "shall not squander or waste their property or any part thereof during "said term of five years, which bond shall be taken to the treasurer of "said Addison County in trust for the Creditors of said Jonathan & "Lemuel in such sum as the said Judge shall direct."

Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—Council met pursuant to adjournment.

Received from the House the following engrossed bills sent up for concurrance or proposals of amendment, Viz. "An act to designate the

boundary line between this State & the State of New York," which being read it was Resolved to concur with the House in passing the same into a law.[1]

Received from the House the account of S. Baldwin, Surveyor of public buildings, with an order of the House to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the House in their said reference.

Received from the House the engrossed bill entitled "an act relating to poor debtors," sent up for revision & concurrance or proposals of amendment, [which] was read & it was Resolved to nonconcur with the House in passing the same.

Received from the House the engrossed bill entitled "an act to provide for raising Volunteer Corps for the service of the United States," sent up for revision & Concurrance or proposals of amendment, [which] was read & it was Resolved to concur with the House in passing the same with the following proposal of amendment, Viz. "Sec. 9th. *It is* "*hereby further enacted*, that every officer & private belonging to any "volunteer corps shall be liable to all the pains & penalties for any neg- "lect or refusal to obey any order, the same as detached militia."

Adjourned to 9 OClock A. M. Tomorrow.

THURSDAY November 5th, 1812, 9 OClock A. M.

Council met pursuant to adjournment.

Received from the House the bill entitled "an act in addition to an act directing the levying & serving of executions," with an order of the House to refer the same to a Committee of three members of the house to join such Committee as the Governor & Council may appoint, which being read it was Resolved to concur with the House in said reference & Mr Harrington was duly appointed.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act explanatory of an act to repeal an act & parts of an act therein mentioned passed Oct. 24th, 1807;" "An act directing the Treasurer to pay John Rankin the sum therein mentioned;" "An act directing the Treasurer to pay Heman Lowry the sum therein mentioned;" "An act directing the Treasurer to pay the sum therein mentioned;" "An act for the relief of Samuel Mix;" which were severally read & it was Resolved to concur with the House in passing the same into Laws.

Resolved that the Council do advise His Excellency the Governor of this State to appoint the 2d Wednesday of April next, it being the 14th day of said month, a time to be observed as a day of public fasting & prayer throughout this State, & that he be requested to issue his proclamation accordingly.

Mr Lyon appeared in Council & returned the engrossed bill entitled "an act relating to poor debtors," which had been sent to the house nonconcurred & which the House had again Passed & sent again to the Gov. & Council for revision &c. whereupon the vote of nonconcurrence was rescinded.

Received from the House the accounts of S. C. Crafts, Elihu Luce, R. Temple, of Irasburgh, of Alexr Hutchinson, & an act relating to the office & duty of the Adjutant General, with an order of the house on each referring the same to the joint Comee of Claims, which being severally read it was Resolved to concur with the House in said reference.

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[1] See *Appendix* K.

The Council rescinded from the vote of Concurrance in the bill entitled "An act to provide for the raising volunteer corps for the service of the United States," with proposals of amendment.

Adjourned to 2 O'Clock P. M.

2 O'C. P. M.—The Council met pursuant to adjournment.

Mr Seymour on request was excused for the remainder of the Session.

Received from the House the military return with an order thereon to refer the same to the joint Committee of Claims, which being read it was Resolved to concur with the house in said reference.

Received from the House the account of Gen^{l} W$^{m.}$ Cahoon with an order to refer the same to the j^{t} Com^{ee} of Claims, which was read & Concurred.

Received from the House the Bill entitled an act providing for an aid to the Governor of this State, which contained an order of the House to refer the same to the joint Military Committee, Which being read it was Resolved to concur with the House in their said reference.

Received from the House the bill entitled "an act providing for printing & distributing &c. militia laws," with an order of the House to refer the same to the joint Military Committee, which being read it was Resolved to concur with the House in their said reference.

Received from the House a resolution for the purpose of removing the places of holding the Circuit Court, sent up for Concurrance, which being read it was Resolved to concur with the House in passing said resolution.

Received from the House the following engrossed bills sent up from the house for revision & Concurrance or proposals of amendment, Viz. "An act suspending civil process against the persons & property of the Officers & Soldiers of this State while in actual service;" "An act directing the treasurer to pay Gen^{l} Jonathan Orms the Sum therein mentioned," "An act making the bills of the Vermont State Bank a tender for all taxes granted this session &c." "An act annexing a part of the towns of Chittenden, Brandon & Pittsford to the south east school district of Chittenden;" "An act in addition to an act explanatory of an act relating to goals & goalers," which being severally read it was Resolved to concur with the House in passing the same into laws.

Adjourned to 9 O Clock A. M. tomorrow.

Friday November 6^{th,} 1812, 9 O Clock A. M.

Council met pursuant to adjournment.

Received from the House the engrossed bill entitled "an act to prevent intercourse with the enemies of the United States on the northern frontiers" which was sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the House in passing the same with the following proposals of amendment, Viz: "Sec. 6$^{th.}$ And it is hereby further enacted that if any person "shall actually drive or convey any Horses, Cattle, Sheep or Swine, or "transport any property from this State into the said Province of Lower "Canada, or shall be aiding & assisting therein after the passing of this "act & shall be thereof convicted before the Supreme Court of Judica- "ture of this State, such person so convicted shall forfeit & pay to the "treasurer of this State equal to double the value of the property driven "or transported as aforesaid, which value shall be found by the Jury who "shall return the same into Court at the time of the conviction, & shall "be further liable to all the penalties contained in the first section of

"this act. Sec. 7th. And it is hereby further enacted that any justice "of the peace or other officer concerned in the execution of this act shall "have the right of calling to their aid any of the citizens of this State in "the performance of the duties required by this act, and in case any "person or persons shall neglect or refuse to aid or assist such officer "in the execution of any of the duties required in this act when thereto "requested as afores[d], such person or persons on conviction before the "Supreme Court of Judicature shall forfeit & pay to the treasurer of this "State a fine of not less than twenty nor more than five hundred dollars "in the discretion of the Court before whom the trial is had." Mr Harrington appointed to assign the reasons to the House.

Received from the house the engrossed bill entitled "an act to provide for the raising of a volunteer corps for the service of the United States," sent up for revision &c. which being read it was Resolved to concur with the house in passing the same with proposals of amendment.

Received from the House a resolution authorizing the directors of the Vermont State Bank to stay proceedings against James O. Walker, which was sent up for concurrance, which being read it was Resolved to concur with the House in passing the same.

Received from the House the engrossed bill entitled "An act in addition to an act for distributing the laws & journals &c." which being read it was Resolved to concur with the House in passing the same with certain proposals of amendment.

Adjourned to 2 OClock P. M.

2 OClock P. M.—Council met pursuant to adjournment.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act suspending the collection of the State prison tax in the town of Duncansboro;" "An act directing the Commissary [of Military Stores] to furnish the Jefferson Artillery with a field piece;" "An act authorizing the town of Lutterloch to transcribe the records of the proprietors of said town;" "An act for the preservation of Muskrats;" "An act to revive & continue an act laying a tax of six Cents pr acre of land in the town of Woodbury;" "An act directing the treasurer to pay Alexander Hutchinson the sum therein mentioned;" which were severally read & it was Resolved to concur with the house in passing the same into laws.

Mr Bliss was excused for the remainder of the Session.

Adjourned to 9 OClock A. M. tomorrow.

Saturday Nov. 7th, 1812, 9 O'C. A. M.

Council met pursuant to adjournment.

Received from the house the bill entitled "an act for the relief of Abel Platt," with an order of the house to refer the same to a Com[ee] of three members of the house to join such Committee as the Gov. & Council may appoint, which was read & Resolved to concur with the house in said reference & Mr Loomis was appointed.

Received from the House the bill entitled "an act for the relief of Bildad Orcutt," with an order to refer the same to the joint Com[ee] on the last above mentioned act, which being read it was Resolved to concur with the house in their said reference.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act for the relief of Martin Dunning;" "An act directing the Treasurer to pay the sum therein mentioned;" "An act providing for an aid to the Governor of this State;" "An act authorizing the Courts within & for the County

of Jefferson to hold their Sessions in the State House;' which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 2 OClock P. M.

2 OCLOCK P. M.—Council met pursuant to adjournment.

The Governor & Council proceeded to elect the officers of the volunteer corps agreeably to the [act] of the present session, when the following persons were elected to fill the following offices as assigned, Viz.

The Hon. Josiah Wright & Elias Keyes Brigadier Generals.

The following were elected Lieutenant Colonels of said Corps, Viz.— David Sheldon, Pere G. Ladd, Aaron Barney, Lovell Hibbard, John Rankin, Lyman Fitch, Matthew Phelps & John Peck Esquires.

The following were elected 1st Majors of said Corps: Rufus Steward, Daniel A. A. Buck, Asaph Fletcher Jr. William Myrick, Ebenezer Brown, Edmund Graves, Mason Ormsby, Consider Alexander Esquires.

The following were elected 2d Majors of said Corps: Isaac Dennison, Asa Grimes, Alfred Keith, Peabody Utley, Jonas Clark Jr. Jonas Spencer, Gaius Perkins, John Wire.

The following were elected captains of Infantry: Sylvanus Danforth, Stephen Robinson, Eliphalet Wells, Barzillai Morse, John Wead, Thomas Dodge, Reuben Barney, James Sly, John Parker, Josiah Jordan, Wainwright Witt, Asahel Smith, Paul Holland, Charles Phelps, Elisha Chase, Samuel Church, John Atwood, Phinehas Page, Denison Cook, Jotham Pierce, Elisha Webster, William Montgomery, Anthony Perry, Jesse Heath, John Farewell, Gideon Wheelock, Emerson Corliss, Cyrus Johnson, Jeremiah Tyler, John Carrier, Jedediah H. Harris, Elisha Walker, David Sanford, Jonathan Kendal, Benjamin Needham, Jonathan Owens, Preserved Fish, Benjamin Fitch, William Miller, John S. Bicknell, Edward Swan, Ammi Dodge, Peter Thatcher, Ezekiel Parsons, Lionell Udell, Joseph Topliff, Jeremiah Gay, Jeremiah York, Sheverick Weeks, Amasa J. Brown, Isaac Hill, Charles Bennet, Philip Smith, Erastus Reeve, John Leonard, Henry Smith, Daniel Collins, Gideon Spencer, John Johnson, Joseph Fassett, Abram Hollenbeck, Ithiel Stone, Nehemiah Perkins, Nathaniel Fuller, Esquires.

The following were appointed Captains of Cavalry: Asahel Scovill, Humphrey Rood Jr. Esqrs.

The following were appointed Captains of Artillery: Hopkins & James Campbell, Esqrs.

Elder Clark Kendrick was appointed Chaplain of the first Brigade & Elder Jonathan Going Chaplain of the Second Brigade.

Received from the House the following engrossed bills sent up for revision & Concurrance or proposals of amendment, Viz. "An act directing the Governor of this State to require bonds of the Commissary [of Military] Stores;" "An act making compensation to the volunteers at Troy & other places on the northern frontier;" "An act directing the treasurer to pay John Mattocks the sum therein mentioned;" "An act directing the treasurer to pay the sum therein mentioned;" "An act for the relief of Bildad Orcutt;" "An act for the relief of John Palmatier;" "An act for the relief of Abel Platt;" "An act assessing a tax of one cent on the dollar on the list of 1812" [State tax]; "An act in addition to an act incorporating a company of Artillery in the town of Montpelier;" "An act assessing a tax of one cent on each acre of land in this State for defraying the expence of Government;" "An act constituting a board of Auditors for the purposes therein mentioned;" "An act directing the repair of the State house;" "An act regulating ferries;"

which were severally read & it was Resolved to concur with the house in passing the same into laws.

Adjourned to 9 OClock A. M. on Monday.

MONDAY November 9th, 1812, 9 OClock A. M.

The Council met pursuant to adjournment.

Received from the House the bill engrossed entitled "An act in addition to an act establishing the State bank," sent up for concurrance &c., which was read & passed with certain proposals of amendment.

An engrossed bill entitled "an act authorizing the several Judges of Probate of the districts of Chittenden &c." sent up for concurrance &c., which being read it was Resolved to concur with the house in passing the same into a law.

Received from the House the engrossed bills entitled "an act directing [the Treasurer to credit] the 1st Constable of the town of Royalton the Sum therein mentioned;" "An act to provide for an aid to the Governor of this State;" "An act to settle with the visitors of State prison & for other purposes;" sent up for revision & Concurrance & proposals of amendment, which were severally read & it was Resolved to concur with the House in passing the same into laws.

The following debenture of the Lt Gov. & Council & officers was read & approved:

Names.	No. of Miles.	Amt of Mileage.	No. of Days	Amt of Attendance.	Amt of Debenture.
Gov. Brigham	50	6 "	33	132 "	138 "
H. Seymour	58	6 96	30	45 "	51 96
J. Wright	130	15 60	33	49 50	65 10
Pliny Smith	72	8 64	33	49 50	58 14
Fredk Bliss	55	6 60	31	46 50	53 10
E. Butler	11	1 32	33	49 50	50 82
S. C. Crafts	42	5 04	33	49 50	54 54
J. Cameron	34	4 08	9	13 50	17 58
Wm. Hunter	64	7 68	29	43 50	51 18
B. Loomis	42	5 04	33	49 "	54 54
E. Keyes	42	5 04	33	49 "	54 54
W. C. Harrington	40	4 80	33	49 "	54 30
Wm. C. Bradley	94	11 28	33	49 "	60 78
R. C. Mallary Secy	70	8 40	33	82 50	90 90
J. Peck Sheriff	11	1 32	33	49 50	50 82
	815	97 80		808 50	906 30

Adjourned to 2 OClock P. M.

2 OCLOCK P. M.—Council met pursuant to adjournment.

Received from the House the engrossed bill entitled "an act for the relief of Elisha Bartholomew," sent up for revision & concurrance &c., which being read it was passed into a law with certain proposals of amendment. Mr Harrington assigned the reasons to the House.

The engrossed bills, one "An act directing the mode of detaching the militia," & one "an act relating to poor debtors," which had been ordered to lie on the table, were now read & it was Resolved to concur with the House in passing the same with certain proposals of amend-

ment made to each. Mr Harrington appointed to assign the reasons to the House.

Received from the House the engrossed bills, one "An act to authorize the raising of a volunteer corps," one "an act for the relief of Roderick Messinger," which were sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the House in passing the same into laws.

Received the engrossed bill entitled "an act empowering Apollos Austin, Joseph Warner & Pliny Smith &c." sent up for revision &c. which being read it was Resolved to nonconcur with the house in passing the same: the reasons were assigned in writing & returned to the house with the bill.

Resolved. the General Assembly concurring herein, that all the unfinished business now remaining before the two Houses be referred to the next Session of Legislature, then to be taken up anew in the General Assembly. The above resolution was sent to the General Assembly for concurrence.

Mr Henry Olin of the House appeared in Council Chamber & informed the Governor & Council that the General Assembly had nonconcurred in the proposals of amendment made by the Council to the engrossed bill entitled "an act in addition to an act establishing a State Bank," so far as it related to striking out the 5th Section of the bill, when upon consideration it was Resolved to rescind said objected proposal of amendment & pass said bill with other amendments.

Mr Olin returned the bill "relating to poor debtors," which had been sent down to the house with proposals of amendment in which the House had nonconcurred, which was now taken again into consideration by the Governor & Council & it was Resolved to pass the same into a law with other proposals of amendment.

Received from the House the engrossed bill entitled "an act making the necessary appropriations for the support of Government for the present year," which being read it was Resolved to concur with the house in passing the same into a law.

Received from the house an engrossed bill entitled "an act in addition to an act assessing a tax of one cent on the dollar on the list of 1812," which was sent up for revision & Concurrance or proposals of amendment, which being read it was Resolved to concur with the house in passing the same into a law.

Received from the House a resolution appointing a time for both houses to meet in the representatives' room in joint Committee to elect visitors of the State's prison, directors of the State Bank, & an auditor in the Commissary department, which being read it was Resolved to concur with the House in passing the same.

Received from the House a resolution appointing a time for both houses to meet in the representatives' room to adjourn the Legislature without day, which being read it was Resolved to concur with the house in passing said resolution.

The Governor & Council proceeded to the Representatives' room to meet the House in joint Committee to elect Visitors of the State's prison, directors of the State Bank, & an auditor in the Commissary department, which being compleated the Revd Chaplain of the House addressed the throne of Grace, & the Legislature was adjourned by the Sheriff without day.

The foregoing, from page 336 to page 450 inclusive, [of the manuscript journal,] is a true journal of the proceedings of the Governor & Council at their October Session A. D. 1812.

R. C. Mallary *Secretary.*

APPENDIX A.

GOVERNOR'S SPEECHES TO THE LEGISLATURE—1804-1812.

Speech of Gov. Tichenor—1804.[1]

Gentlemen of the Council and of the House of Representatives,—When the Legislative Representatives of a free People assemble to deliberate upon the measures of advancing and securing the welfare of the State, many and important are the subjects before them, and very extensive will be the Influence of their Decisions. To present to your view such objects as Demand your attention is a part of the Constitutional duty of the Executive.

In addition to the ordinary business that may come before you and that which has been referred to this session it may be expedient to enquire into the situation of the Northern line of this State. Some of the Inhabitants residing on the line are apprehensive that the boundaries are not clearly defined, and that it is not distinctly known where the line runs which separates the Northern part of this State from the Province of Canada.

I find that much pains were taken in the year 1767 by the then Provinces of New York and Canada to ascertain by astronomical Calculations, the Latitude forty five Degrees, and to fix a Monument with accuracy at the place where the line crosses Lake Champlain; from thence a line was afterwards run by Mr. Collins to Connecticut River, but with what accuracy never has been ascertained.[2] If it was not properly run, and designated by the erection of durable monuments, contests will arise that will not only affect the property of individuals, but the boundaries of this and the United States. The serious difficulties which other States have experienced, in settling their boundary lines, admonish us, by an early attention to the subject, to guard against complaints of a similar nature.

A vigilant attention to the fiscal concerns of this State is an essential part of your duty, and is consistent with that economy which the Principles of our Republican Government strictly enjoin and require. It is believed that the State of our Treasury is not sufficient to satisfy the Demands of Government. It cannot be consistent with sound policy, that a public debt should be accumulating in a time of peace and prosperity. The amount of our annual expences, and the expences of the several departments in which they are incurred, should be clearly ascer-

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[1] Ms. *Council Journal*, Vol. 5, p. 58.

[2] See Vol. IV, p. 116; and *Appendix* E of this volume.

tained and defined, that those, on whom the burden of payment falls, may judge of the propriety and expediency of the public expenditures. Should the debt be found increasing, it will be necessary to provide for its reduction, by the most economical mode of transacting the public business, and of raising and expending the public money.

The time is not far distant, in which a choice must be made of the Electors in this State of President and Vice President of the United States. By the Law now in force a choice must be made by the Members of the Legislature: You will judge whether it is best to continue this mode of choosing Electors, or refer it to the great body of the Freemen, in districts, or through the State at large; both modes are in practice among the several States of the Union, and both consistent with the Federal Constitution.

The Governor of the Commonwealth of Massachusetts has transmitted to me certain Resolutions of their Legislature proposing an amendment of an article in the Federal Constitution, respecting the Principles of Representation [in Congress,] aiming to confine it to the Votes of Freemen, and not depend upon the number of Slaves, in any part of the Federal Territory. These Resolutions will be laid before you.[1]

That the Federal compact should be approached with caution, and there should exist an equality of political Rights among the several States in the national Representation, are truths of which you can never lose sight. Therefore these Resolutions will receive a candid and deliberate consideration before you are prepared to say, that the number of Slaves already in the United States, and those which are daily imported, ought to increase the power or influence of their masters, in making Laws to bind the Freemen of a State, in which the principles of liberty are so complete and entire as not to admit slavery to appear, or exist within its limits.

The flourishing and happy state of our country, which has been witnessed in years past, cannot but endear to us the Republican principles and maxims on which its government is founded. From recent events in Europe it would seem that our Country is the only place on this Globe in which there is a prospect that the Republican system can succeed. Should that system here fail, in a time and under circumstances so favorable to its continuance, future generations must pronounce it impracticable. To preserve it among ourselves, we must guard against all intolerance, intrigue, party spirit, and party measures. Our Elections and Laws must be made with the purest views and motives. When the Representatives of the People are superior to the views and aims of party; when they steadily and unanimously pursue the public good, a ready obedience will be given to the Laws, and a cheerful support to the Government. A spirit of disunion and the influence of faction in the Legislature, will produce disquietude among the Citizens, and those measures which are not dictated by wisdom and prudence can never find support.

Assembled from different parts of the State, you know the circumstances and interests of your Constituents: while the greatest general good is your chief object, your united endeavors will guard the Rights of Individuals, and promote the present and future prosperity of all.

ISAAC TICHENOR.

Rutland, 13th October 1804.

James Fisk [Jeffersonian,] Daniel Chipman [Federalist,] and Titus Hutchinson [Jeffersonian,] constituted the committee charged with

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[1] See *Appendix* B.

drafting an address in reply to the foregoing speech, for which see printed *Assembly Journal* of 1804, p. 82. The paragraph on the proposed exclusion of slaves, in the apportionment of members of Congress, foreshadowed the action of the then anti-federal Legislature. It was as follows:

We shall bestow upon the resolutions transmitted by the Governor of Massachusetts, and alluded to in your Excellency's speech, a candid and deliberate consideration. We reciprocate your wish, that slavery were abolished, and had no influence in the making of laws to bind the freemen of our free State. Yet we realize the importance of preserving entire those principles which were the foundation of our federal compact, unless those principles are relinquished by those States in the Union, whose interests claim their existence. We are ready, therefore, to co-operate with your Excellency in every measure to create an equality of political rights among the several States in the national representation, which would not subvert the first and most operative principles in our federal compact.[1]

SPEECH OF GOV. TICHENOR — 1805.[2]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —It gives me great satisfaction to meet the Representatives of the People, and concur with them in fulfilling the legislative duties, and discharging the important trusts, which our Constituents have assigned to us; and the satisfaction is not a little heightened, by contemplating on the general happiness and prosperity of our Nation and Government. While the fairest part of Europe continues to be the scene of "dreadful preparation" for war, and is menaced, on all sides, with those miseries which flow from that greatest of all human calamities; we are pursuing with peaceful industry, those objects, which constitute the strength, security and glory of a wise and free people. Agriculture flourishes, and a genial soil and climate reward with abundance the labors of that useful and respectable class of our fellow Citizens, the Farmer and the Husbandman. The increase of Commerce enhances the value of productive labor, and the produce of the land. Manufactures daily improve; and the United States presents to the world, a fair specimen of the fruits of a mild and free Government.

It cannot but add to our joy, that the measures adopted by our General Government, for chastising the insolence and repelling the injustice, of the Infidels of one of the Barbary States, have been attended with success. By the blessing of Divine Providence, on the good conduct of our forces in the Mediterranean, seconded by the enterprise, talents and heroism of GENERAL EATON,[3] our Citizens have been released from Captivity; Tripoli is humbled, and those barbarians, who have extorted an unwilling tribute from the most potent Monarchs

[1] See *Appendix* B.

[2] Ms. *Council Journal*, Vol. 5, p. 150.

[3] As Gen. Eaton had resided in Vermont, served as Clerk of the General Assembly, and commanded the first company enlisted in this State for service in the United States army, his brilliant campaign here alluded to was peculiarly pleasing to Vermonters.

in Europe, taught that America is no less irresistible in arms than just and conciliatory in peace.

The business that will engage your attention, the present session, relates principally to the internal affairs of this State; the election of the civil officers of Government; the necessary alteration of existing Laws and ordinances; the encouragement of schools and other seminaries of learning; the improvement of our Militia establishment, and whatever can promote the interest of agriculture, manufactures, public and private tranquility and happiness.

The selection of those Officers, on whose judgment, virtue and impartiality, all that has relation to life, liberty and property may depend, is a weighty and serious transaction. Instead of being a matter of intrigue, party, or selfish policy, it ought to be conducted with all the calmness of wisdom, and disinterestedness of virtue. You will, I have no doubt, meet this part of your duty with a fixed purpose of regarding only the public good, and promoting the honor and welfare of the State.

Of the laws, now in force, that may require amendment, I particularly invite your attention to that, which authorizes the Supreme Court to grant *Bills of Divorce.* One of the necessary qualities and conditions that constitute a good law, is, that it be adequate to its end, and shall prevent the evil against which it is directed. As the existing Law on the subject of Divorce, dissolves the bonds of matrimony on the real or implied criminality of either party, it is justly to be apprehended, indeed experience hath proved the fact, that it includes a temptation to commit the offence, for the sake of separation. Marriage being, of all human institutions, that in which Society is most interested, I have no doubt, the Legislature will give it an attention, commensurate with its moral and political consequences; and duly consider, that as families are the elementary forms of society, their distinct connexion ought not to be dissolved on slight grounds, nor the dissolute furnished with an opportunity to free himself from restraint by the commission of a crime.

The business particularly intrusted to me, by the Legislature at their last session, relative to the boundary line, between this State and the Province of Canada, has been strictly attended to; and will be the subject of a future message.[1]

I have the honor to lay before you, certain Resolutions of the Legislatures of Kentucky, Pennsylvania, North Carolina and Massachusetts, transmitted by their respective Governors, to receive your concurrence and adoption. The Amendment to the Constitution of the United States proposed by the States of Kentucky and Pennsylvania, which has for its object, the abridgement of the judiciary power of the Courts of the United States, and to confine their jurisdiction to certain cases, therein mentioned, will necessarily attract your most serious and careful consideration. Whatever may have a tendency to weaken any part of the conventional obligation of the confederate States, or to diminish that expectation of an impartial administration of Justice, which maintains an unsuspicious intercourse, between the Citizens of the different States, and on which mutual confidence and credit are founded; whatever can open a door for the admission of jealousy and distrust, will, certainly, not be adopted by you, without the most urgent and indispensable necessity.[2]

The amendment proposed by North Carolina and adopted by Massa-

[1] See *Appendix* E.

[2] See *Appendix* B.

chusetts, for putting a stop to the importation of Slaves into the United States, will, likewise, call for your legislative decision. It cannot, I flatter myself, be necessary that I should impress on your minds, that the *Genius of universal Emancipation* ought to be cherished by Americans; that there is no complexion incompatible with Freedom; and that we owe to the Character of our Country, in the abstract, and the laws of humanity, our best endeavors, to repress that impious and immoral traffic.[1]

It cannot too often be repeated, that union and moderation are the principal constituents of national felicity and happiness. Altho' you may have left in your respective towns many individuals, heated with political zeal, and in the eagerness of emulation, contending *merely* for pre-eminence, I trust this deliberative body will be influenced by a candid, tolerant spirit, which will justly command the attention of the wise and good, and the approbation of your Constituents.

In every attempt of this kind, I shall be happy to co-operate with you, and as far as in me lies, render that assistance which the Constitution has made part of my official duty. ISAAC TICHENOR.

12th October 1805.

Lewis R. Morris [Federalist,] Dudley Chase and John White jr. [both Jeffersonians,] were appointed to draft an answer to the foregoing speech. An address, echoing the speech in nearly every particular, was reported and agreed to without division.—See printed *Assembly Journal* of 1805, p. 34.

SPEECH OF GOV. TICHENOR—1806.[2]

Gentlemen of the Council, and Gentlemen of the House of Representatives,—As the science of forming and administering a good government furnishes the means of procuring to mankind the greatest possible degree of happiness, I confidently hope we shall enter on the performance of the great and solemn duties, assigned to us by our Constituents, with corresponding sentiments of candor and solicitude. And, as a Republican Government is, for an enlightened and virtuous community, the best which human wisdom has yet devised, it necessarily follows, that its ministers and legislators should consider themselves as the Guardians and Trustees of the People, to promote whose happiness they should, on all occasions, exercise their most mature judgment and unbiassed opinion.[3] It is a trust from Providence, for the abuse of which we are highly responsible.

A due regard to considerations of this nature, will secure us against the influence of faction, the rage of party, and the undue exercise of the power committed to our charge. As Freedom lies between the extremes of anarchy and despotism, it has, in every country, been impelled in the one or the other direction, by the prejudices and passions of the inconsiderate and ignorant, or the cupidity of the base and unprincipled. If we calmly and impartially recur to the struggles, which have been made in the old world, to introduce and maintain free governments, and the successive changes through which they have passed,

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[1] See *Appendix* B.

[2] Ms. *Council Journal*, Vol. 5, p. 228.

[3] In the printed speech it is "mature judgment, founded on an unbiassed opinion."

owing to the perpetual conflicts between wisdom and folly, between patriotism and unwarrantable ambition, we shall resolve them all into the lust of power, and a disposition "studious of change and pleased with novelty." From all these, we may derive lessons of practical instruction; and realize the truth of that important political maxim, that "no free government can continue long to exist, unless the utmost harmony and most conciliatory spirit pervades its councils." Rivalship for power produces an abandonment of principle, and ought to be guarded against, by the Representatives of a Free People, as the cause of every species of mischief and misery.

In our local relations, no part of the Globe seems to be better fitted for the establishment and preservation of rational liberty, than that in which a kind Providence has placed us. Blessed with a fruitful soil, which rewards with abundance the industry of the husbandman; and engaged in commerce, only so far as it furnishes the conveniences and elegancies of life, and increases the value of our productive labor, we may live independent of the national policy of Europe, and successfully cultivate the arts of peace and domestic happiness.

To adopt measures the least burdensome and invidious for the support of government; to provide for an adequate and impartial administration of Justice; the support of Schools and Colleges; the defence of the State, by a well organized and well armed Militia; to promote the interests of religion and morality, and secure to industry its lawful acquisitions, comprize your principal duties.

While the path of duty is thus plain, and the Public Good the great object to which, as virtuous Citizens and enlightened Statesmen, you will refer all your actions; I may reasonably draw the pleasing conclusion, that the civil officers for the ensuing year will be appointed without any regard to the wishes or jealousies of men who seek only their own advancement; or the combinations of individuals, which are the prolific sources of much mischief and general discontent.[1] In the most improved state of society, there will always exist a diversity of opinion on speculative subjects; and every good government will adopt such general regulations as will ensure,[2] as far as possible, individuals of every shade of opinion against even the fear of injustice or oppression. It is, therefore, highly just and expedient that the civil offices of the State should be filled with men eminent for wisdom, virtue and impartiality.

I have the satisfaction to announce, that the measures taken by the Legislature, at their last session, to ascertain the Northern boundary of this State, promise a very valuable acquisition. Conformably with the power vested in me, by the act for that purpose, I appointed Dr. [Samuel] Williams to ascertain the true divisional line between this State and the Province of lower Canada; which by a course of Astronomical observations, made near the ancient monument at Connecticut River, he found to be nearly fourteen miles South of the latitude of Forty five degrees. At the Lake Memphremagog the present divisional line was found to be more than seven Miles South of what it ought to be. From these observations, the result is, that the State has been out of possession, owing to the error in establishing the divisional line, of a tract of land equal to Eighteen Townships. The acknowledged experience and profound science of the person employed for that purpose warrants the

[1] Possibly Gov. Tichenor had in mind the caucus system, which had been introduced into Vermont in 1804.

[2] "Secure" in the printed speech.

belief, that his observations and calculations are without material error. The report which has been made to me, on this subject, together with the map that accompanied it, shall be laid before you. So large a tract of land, which on the settlement of the line would probably fall within the Jurisdiction of this State, appears to me to be an object worthy of your attention. The object can only be effected by an application to the Executive of our national Government.[1]

I shall cheerfully and cordially concur in the adoption of every measure, which the wisdom of the Legislature may suggest, for advancing the happiness of the people, and the dignity and Character of the State.

ISAAC TICHENOR.

October 11th, 1806.

Titus Hutchinson, William C. Bradley, and Nathaniel Chipman, being two Jeffersonians and one Federalist, were appointed to draft an answer to the foregoing speech, one of whom drafted one, which, while touching all the topics of the speech, ingeniously turned the most of them to the advantage of the political party represented by a majority of the committee.—See printed *Assembly Journal* of 1806, p. 39.

SPEECH OF GOV. ISRAEL SMITH—1807.[2]

Gentlemen of the Council, and Gentlemen of the House of Representatives,—Permit me to express to you, and through you to the freemen at large, the high sense I entertain of the honor done me by their suffrages which have conferred on me this seat. No circumstance can be more flattering than after a long course of public life to meet this new and unequivocal evidence of the public confidence and esteem. It demands of me, in whatever station I may be called to act, a faithful, diligent and unremitting discharge of the duties belonging to it. Impressed with sentiments of gratitude for honors conferred, I feel a species of enthusiasm in commencing the fulfilment of the duties before me. When I reflect, however, upon the trust reposed in the chief executive magistrate, the arduous, but more especially the critical nature of the duties belonging to that station, at a time also when the public mind is uncommonly awake to its rights and privileges; when this watchfulness has produced discussions and a train of thought which in different minds has produced very different results; when I bear in mind also the urbanity and the unassuming administration of my predecessor in office, I am almost led to despair of ever being able to quit the office I am now called to fill with the same happy auspices in which I enter upon it. In the discharge of official duties, however, I shall place my greatest hopes of success in the candor, assistance and indulgence of this honorable Assembly.

The constitution makes it the duty of the Governor and Council "to correspond with other States, to transact business with the officers of Government, civil and military, and prepare such business as may appear to them necessary to lay before the General Assembly;" also "to take care that the laws be faithfully executed," and to "expedite the ex-

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[1] See *Appendix* E.

[2] *Council Journal*, Vol. 5, p. 316.

ecution of such measures as may be resolved upon by the General Assembly." I have not had opportunity to consult my predecessor in office whether any correspondence has taken place between the executive of this and any other State, or the United States, on subjects the nature of which requires to be submitted to the General Assembly, or whether any business has been transacted by the executive with the officers of our own government of a similar nature; should there be any, they must be made the subject of some future communication.

Again the Constitution makes it the duty of the Governor and Council "to prepare such business as may appear to them necessary to lay before the General Assembly." Under this clause of the Constitution must be inferred the duty of the Governor and Council to recommend to the General Assembly subjects for legislative consideration, such as in their opinion the good of community requires to be adopted. Among the most important of those subjects which have been presented to my mind is that of a variation of [in] the modes of punishment established in our criminal code; to substitute generally, for corporal punishments, confinement for the purpose of initiating the culprit into a habit of useful industry, or in more common phraseology, confinement to hard labor. I am not insensible of the insufficiency of theoretical reasoning on abstract principles, when opposed to inveterate custom and habit. It will not be denied that corporal punishments may have had a good effect in the prevention of crimes, but this concession does not admit the inference that no other mode of punishment would be preferable. That mode of punishment, which is worse than none, must be vile indeed. Confinement and hard labor is a mode of punishment peculiarly suited to an advanced state of society, and where the arts abound. In the infancy of government, where the arts do not exist, it is found too difficult and expensive to provide an asylum for the safe keeping of culprits, and to furnish the means and materials for their employment; but in a society and government where the arts abound, these difficulties vanish and leave the arguments drawn from feelings and humanity and the nature of man in their full force. By substituting the punishment proposed, a government may not only prevent the expence to which other modes of punishment must subject it; but may make it, if thought advisable, a source of revenue to the State. A more intimate acquaintance with the effect produced on the conduct of culprits, in States where this mode of punishment is adopted, would no doubt strongly recommend the measure. And in States where it has been the longest in operation, there exists the most indubitable and unshaken conviction of its utility. This honorable Assembly will permit me to bring to their remembrance the thirty seventh section of the constitution of this State; it is in the following words: "To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons; and all persons at proper times ought to be permitted to see them at their labor." To the forcible language of the Constitution I can add nothing. It is sincerely hoped the General Assembly will not permit the present session to pass away without making the necessary provisions on this subject.

The constitution further enjoins it on the Governor and Council "to take care that the laws be faithfully executed, and to expedite the execution of such measures as may be resolved upon by the General Assembly." Very few of the executive powers of our government are

entrusted into the hands of the supreme executive[1] in the first instance for execution; but on the contrary are entrusted to certain officers, who, from the manner of their appointment and the nature of their duties as pointed out by the laws, appear to be exempted from executive direction or censure. As it relates to the criminal code, where the laws cannot be put in force against an individual but by the intervention of a trial in a court of judicature, the prosecuting officers are with propriety placed under its direction, as being part of a distinct branch of the Government. But in the financial department, a vigilance in the executives over subordinate officers, who may in any way be employed in receiving and paying over public monies, seems more important. The necessity of any particular attention to this subject by the executive, is however superceded by wholesome laws already passed, by which it is made the duty of all subordinate officers, connected in any way with the collection of the revenue, to make an annual settlement with the head of the treasury department; a settlement is also to be made with the treasury department annually, with a full and fair statement of all the accounts with the balances to be laid before the General Assembly at their October session. By the foregoing provisions of the law, any call of the Executive on the treasury department for the information of the General Assembly is rendered unnecessary.

There are two statute laws of very general concern, which are left wholly with the corporations of towns for their execution: the act "for the support of schools," and the act "for laying out, making, repairing and clearing out highways," are pointed at. It is submitted whether it would not be useful to make some provision by which the General Assembly might be officially informed how far and in what manner these laws are carried into effect by the respective corporations.

In relation to our external protection and defence, most of our legislative concerns are intrusted to the federal government; the organizing, arming, and disciplining the militia excepted. The annual return of the Adjutant General to the Governor, of the state of the Militia, rendered necessary by law, when received, shall be laid before you. It may aid the legislature in determining whether any further provisions at this time are necessary more effectually to protect community against the evils of war; an evil of all others perhaps the most to be deprecated by government.

Gentlemen of the legislature, our duty as legislators is to provide wholesome laws for the promotion of virtue, happiness, and prosperity among the people over whom the laws are to operate. The end of all government is to teach each individual of the community the necessity of self-government. When we reflect on the extensive influence of laws in moulding and forming the manners, the habits and virtues of a people—that their influence, as in the present case, is to extend over little less than two hundred thousand people, the business of legislation swells to a prodigious magnitude, and creates in our minds enthusiastic expectations from its good effects. On the contrary, when we look over the history of Nations and their Governments; [and learn] how by their virtues, at one period, and by their good management, they have risen to high degrees of eminence; at others, by their corruption, venality and abuse of power have again sunk into the vortex of despotism; and that this has been the fate of all governments which have preceded ours, we are left in despondency at the wretched contemplation. May we not however flatter ourselves that these evils have arisen in a great measure from the circumstance of irresponsibility with which the powers of gov-

[1] "Entrusted to the supreme executive" in the printed speech.

ernment have heretofore been intrusted to men. In all governments which have heretofore existed, the powers of government have been exercised by men, not in the right of community, but in the right of themselves. Is it wonderful then, that the laws, instead of being calculated to promote the general welfare, should be wrested to the purposes of individual aggrandizement. Our government is happily organized in a manner in which the duty and interest of the law-giver is very intimately connected and blended with the rights and interests of the community; and under such circumstances of responsibility for the exercise of his power, as compels him to feel less the sympathies of the rulers than the sympthies of the ruled. It would seem, from the correct principles of our government, that nothing but an uncommon degree of ignorance and depravity could ever induce those who are employed in making and executing the laws to depart from or be forgetful of the rights and interests of community. May we not flatter ourselves that there are such degrees of light and information, in relation to the science of government, diffused among the people, as will defeat if not prevent every attempt upon their supposed ignorance and credulity.

Gentlemen, that we may be in some measure instrumental in promoting, for ourselves and our constituents, the blessings of a good government, let us keep up that watchfulness over the conduct of rulers, which is calculated to teach them a just responsibility in their stations; exercising all that indulgence towards honest difference of opinion which the full and complete enjoyment of all the blessings of a free government renders necessary. May we in our respective stations during the present session, and the period for which we are elected, be directed to the adoption of the wisest and best measures for the promotion of the public happiness. ISRAEL SMITH.[1]

William C. Bradley, William A. Griswold, and Charles Rich (all political friends of the governor) were appointed to draft an answer. This paper, which was doubtless drawn by Mr. Bradley, was highly complimentary to the governor, personally and politically, and pledged careful attention to his recommendations.—See printed *Assembly Journal* for 1807, p. 45.

SPEECH OF GOV. TICHENOR—1808.[2]

Gentlemen of the Council, and Gentlemen of the House of Representatives.—With diffidence and solicitude I accept the invitation of the citizens of Vermont again to assume the office of their first magistrate. The experience which I have already had of its relations and difficulties, and the perplexed and critical state of our public affairs, cannot but suggest considerations of caution and anxiety in entering upon the office and assuming the responsibility attached to so important a station: believing at the same time, that every power which a man possesses ought to be devoted to the interests of his country. I shall enter upon a service from which experience has shown that no man can hope to retire wholly free from censure.

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[1] There are several variations in the manuscript and printed copies of this speech, some of which doubtless are errors of the Secretary of the Council, and others changes made in the copy for the printer.

[2] Printed *Assembly Journal* of 1808, p. 16.

The business which our constituents have constitutionally assigned to their General Assembly, embracing the civil and political interests of the State, is the great object which will necessarily engage your attention. It cannot be concealed but that these have been considerably affected by a late law of the United States and the measures pursued to enforce it. Among a people accustomed to honest industry, and under a government which had permitted them freely to dispose of the fruit of their labor, as a natural and unalienable right, it was to be feared there might exist a strong disposition to evade its restrictions. Nothing but an appeal to their patriotism, and a strong conviction of the utility of the measure, could enforce obedience to a law which in its operation blighted the best hopes of the laborer and destroyed every incentive to useful and honorable enterprize. While therefore we regret the stain upon the character of a respectable portion of our citizens, in consequence of the conduct of a few, who had violated a law of the general government, suspending our commerce by an embargo without limitation, we sincerely regret that the law was not accompanied with that evidence of national necessity or utility which at once would have commanded obedience and respect. We also must as sincerely deplore that, instead of an application in the first instance to the civil authority, it was deemed necessary to have recourse to military aid: and feeling, in common with my fellow citizens, the evils which result from that law, I cannot but hope that the wisdom of the national legislature will induce an early repeal of the same. If however this should not be deemed wise or expedient, I must strongly enjoin the necessity of a quiet submission to the privations and inconveniences that may be experienced, until we are relieved in a constitutional way. Nothing could be more erroneous, dangerous, and inconsistent with republican principles, than an avowed or hostile opposition to the law. Our duty and our interest as citizens are undoubtedly to obey the laws of our country, and to avoid and discountenance every measure that tends to impair the majesty of the laws, the authority of the government, or the sacred regard which is due to the federal constitution.[1]

To enact wise and just laws, and to elect able and faithful magistrates, are among the most important articles of the business that will demand your attention. Whenever justice is duly administered, and the laws faithfully executed, the public opinion will receive its proper direction, and the public mind will be composed. In addition to the customary appointments of civil officers for the ensuing year, it will be our duty to elect a Senator to represent this State in the Congress of the United States, and to appoint Electors of a President and Vice President of the United States. There can be no time in which the appointment of civil officers is not a matter of the highest consequence and of sacred importance. But, if ever there was a period that demanded the united wisdom and virtue of the legislature, that period has come. Your duty to yourselves, and to your country, now calls you to lay aside every party consideration, and exert all your wisdom and all your virtue, in the discharge of this duty. Under these impressions, I trust you will, with the most impartial and serious solicitude, enquire for the greatest abilities and virtues, and endeavor to establish and place them in office. The most likely way to benefit and save your country, is to give to wisdom and virtue the pre-eminence and direction in your civil councils and public offices.

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[1] Gov. Tichenor alludes to the embargo and the opposition to it, and evasion of it by smugglers, particularly in the portion of northwestern Vermont bordering on Lake Champlain. See *Appendix* H.

It was the sentiment and doctrine of the father of our country, that the best way to preserve peace was always to be prepared for war. The advice of the venerable Washington, respecting the constant arrangement of the militia, has received additional weight in this State, from the calls that have been made on this class of our citizens to appear in the support of the civil law and power. The promptitude, fidelity and discretion with which they discharged their duty, was honorable to themselves and reputable to the State. At a time when our foreign relations are marked with uncertainty and danger, can we do better than to review this subject, and make it a matter of impartial enquiry, what further measures may be of use to improve the militia of this commonwealth. Human wisdom has not discovered any way to avoid the danger and expence of a standing army, but by giving discipline, activity, and legal direction to the militia of a country.

Among the advantages and virtues of a republican government, *economy* has always been considered as one of the most natural and useful. You are fully sensible that this should extend to all the branches and articles of revenue and expenditure; and the more critical and minute your attention shall be, on this subject, the better you will discharge your duty to your constituents. Besides the annual income and expences of the State, it may be of use to enquire into the advantages and emoluments that have accrued to the State from the several banks that have been established by the legislature.[1] When the policy, the operations and benefits attending these institutions are fully understood, you will be able to determine with more certainty whether they require any and what alterations or encouragements.

The State Prison, ordered to be erected by the last General Assembly, is a matter of much importance to the State. It will probably be a benefit to this institution and to the governmont, to enquire into the state of the buildings, the proceedings of the committee, and the expenditures of money appropriated to that object.

In addition to the ordinary business that may come before you, it may be expedient to revise our criminal code of laws, especially an act entitled an act for the punishment of high crimes and misdemeanors, and so to vary the modes and degrees of punishment of certain crimes and misdemeanors, as to carry into complete effect the humane and benevolent intentions of the legislature in establishing the State's Prison.

It has been considered the duty of the executive to lay before the legislature, at their annual session, all communications from the general and state governments, which may affect us, with regard to our internal economy, or our relative connection with the federal union. Such communications, at this eventful crisis, might perhaps be expected, not only as important in themselves, but as necessary to aid you in your legislative deliberations. But the absence of my predecessor in office, and the circumstance of having received no documents from him, must be my apology for silence on the subject.

I shall co-operate with you, gentlemen, in all councils and measures which can, in any way, be promotive of the true interest of our country, and humbly rely upon a superintending providence that all our honest endeavors for the public good may be crowned with success.

ISAAC TICHENOR.

Oct. 17, 1808, Charles Rich, William Baxter, and Cyrus Ware (the second being the only Federalist) were appointed to draft an answer to the speech. While the Federalists had succeeded in electing the Gov-

[1] Vermont State Bank, consisting of four branches.

ernor and a majority of the Council, the Jeffersonians had a majority of sixteen in the House, and their committee improved the opportunity, which the answer afforded, to express their sentiments on the embargo. This constitutes the largest part of the answer, which was adopted by a party vote, 105 to 88, one Federalist being absent. The following extract shows how far the Jeffersonians differed from the governor:

While with you we regret that the character of any of our citizens should be stained by the conduct of a few avaricious, self-interested, and designing men, we still more regret, that neither the conduct of belligerent Europe from the year 1793 to 1808, by their infringements of neutral commerce, the impressment and murder of our seamen, nor the united patriotism of Americans, could induce a strict observance of a law on which depended the honor, independence, and tranquility of the American nation: and which was wisely laid without limitations, by which foreign nations were taught that the repeal of the law depended on the removal of the causes which produced it. We cannot but consider the law alluded to as necessarily inflicting on our country severe privations, while the measures employed to enforce it cannot fail to create considerable expence, yet we feel a dignified pleasure that this, *the only practicable measure* that could have averted the dangers and horrors of a war with one or more of the contending nations of Europe, has been patiently submitted to by every well informed and well disposed citizen, and that the great body of our fellow citizens of this and the United States unite with us, as well in our consolations and pleasures, as in our unavoidable privations. Under these impressions we cannot but deeply lament, that among the people of our own country, generally accustomed to honor industry, and blessed with a government which, as long as prudence and safety dictated, had permitted them freely to vend the fruits of their labor and honest enterprise for their own comfort and emolument, there should any be found so destitute of patriotism as to attempt, for the acquisition of wealth or some more reprehensible object, not only by fraud but in open defiance to the laws, to defeat their wholesome provisions, or by their treasonable opposition to the government of their choice, deprive their dutiful brethren of life and expose themselves to an ignominious and untimely death. It is also to be lamented that such a contempt for the civil authority should be manifested as to render a resort to military force necessary.

When the answer was considered in the House, David Edmond of Vergennes moved a substitute for the foregoing, in which the duty of obeying the law was declared, coupled with a declaration that "we cannot but however believe that the safety and interest of our country will permit the early repeal of a law so severe in its operation; but should we be disappointed in our expectation of this, we will unite with you, Sir, in enjoining upon all classes of society a quiet submission to every privation and inconvenience until constitutional relief is obtained." This was rejected, and the answer adopted; whereupon eighty-four members of the House, headed by Nathaniel Chipman, entered on the journal their reasons for dissenting from the answer.[1]

[1] Printed *Assem. Journal* of 1808, pp. 21, 76, 80, 113. DAVID EDMOND, a native of Ancient Woodbury, Conn., was graduated (probably at Yale college) in 1796. He came to Vermont about the year 1800, and repre-

Speech of Gov. Galusha—1809.

Gentlemen of the Council, and gentlemen of the House of Representatives,—Invited by the suffrages of a free and virtuous people, to accept the office of chief magistrate of the State, I cannot, I ought not to be insensible of the importance [of the duties] as well as the difficulties which devolve upon me, in the acceptance of so great a trust, and the high responsibility I am under to discharge those duties with faithfulness and impartiality, and in such manner as shall tend to promote the best interest and general happiness of the citizens of this state; having at all times in view our intimate connection with the general government of the Union.

Educated a plain farmer, and consequently destitute of those literary attainments which by many are esteemed so requisite to the due discharge of official duties, I enter upon a scene of new duties with peculiar diffidence. But relying upon honest intentions, on a habitual zeal for the public good, upon your wisdom in the great business of legislation, and above all, upon that Providence which has hitherto supported and protected me, I have concluded to accept the appointment.

Under these impressions, I shall, gentlemen, endeavor, so far as my abilities will admit, to discharge the duties of my office with integrity and faithfulness, and hope to meet the approbation of a virtuous and discerning people.

It has, gentlemen, fallen to our lot, to be entrusted with the concerns of this State at a period the most critical; at a time when two of the greatest Powers of Europe are agitated with all the dreadful passions incident to a state of war; who, regardless of the rights of neutrals and the laws of nations, have interdicted the commerce of the United States, by embarrassing it with exactions, hitherto unheard of; which, if submitted to by the general government, would be to surrender one of our great national rights, and virtually our national independence.

Notwithstanding the most promising measures have been pursued by the administration of the general government, to remove those embarrassments without resorting to arms, as yet they have proved unavailing; and what appears to me still more alarming, is that at a time when all the talents, the wisdom and energies of the States ought to be united, and pledged to support the honor, the interest and the independence of the nation, we find that a spirit of discord and disunion, hostile to our happiness, safety and national union, has been cherished by numbers of the misguided citizens of the United States; which has had a great tendency to weaken the hands of government, and prevent the effects of those wise measures, adopted by the general government to maintain our national, and particularly our commercial rights; and what has

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sented Vergennes in the General Assembly in 1808, '09, '13 until '16, and again in 1817 and '21, and in the Constitutional Convention of 1814. He was a member of the Council of Censors in 1813, and State's Attorney for Addison County in 1808, '09, '13, '14, and '19 until 1824, in which year it is presumed he died, as in the Vermont Register for 1825 his name did not appear among the list of attorneys. One of his daughters was living, a few years ago, in Washington city, and another in Virginia. The late Gen. Ezekiel P. Walton told the writer of this note that Mr. Edmond was the most eloquent speaker he ever heard.—Cothren's *Ancient Woodbury;* and Deming's *Catalogue.*

probably prevented our obtaining redress for injuries already suffered, and emboldened the belligerent powers to continue their wanton aggressions, and to insult us with delusive terms of adjustment.

With these views, I cannot too strongly recommend to you to adopt such measures as will have the most direct tendency to conciliate the affections of the people, and to unite them in their great national interests: and I can with pleasure announce to you, that so far as my information extends, the spirit of opposition to the measures of the administration of the United States, is greatly ameliorated; and a concern for our own national honor, interest and independence, is becoming rapidly prevalent, while the apprehension of a separation of the Union, and the visionary scheme of relying upon a foreign power for the protection of our commerce, is daily vanishing; and I trust will be remembered but with gratitude to Heaven that we have escaped the snares of foreign emissaries and domestic traitors to distract and divide us; and I hope the period is not far distant, when the citizens of the union will lay aside all party feelings and become united like a band of brothers, in support of the best government on earth. But while I recommend to you, in the strongest terms, cheerfully to submit to, and as a member of the union, to carry into effect such measures as have been or may be adopted by the United States, for the preservation or defence of our national rights; at the same time permit me to remind you, that you are the guardians of those rights & powers, that are not delegated by the constitution of the United States, but are reserved to their respective states or to the people; for on the careful attention to, and preservation of those rights & powers, depends the political safety of the individual States.

Gentlemen, I shall not now attempt a labored detail of the important business which will probably demand your attention, the present session; but shall merely notice a few subjects, and make further communications as occasion may require.

The state bank is a subject which will deserve your attention. The failure of private banks in the vicinity of this state; the rejecting our bills by the law of one state; and the policy or caprice of others, has embarrassed our mercantile intercourse with the adjoining states. The measures to be pursued to meet or remove the impediments to a friendly trading intercourse with our sister states, which certainly is to be greatly desired, I leave to your consideration. The subject is too important for me to hazard a sudden and undigested opinion upon. It will be remembered by many that I was not among those that favored the instituting of country banks; but it is apparent that the establishment of a public bank in this state, has saved many of our citizens from great losses and probably some from total ruin: for it is obvious that but for this establishment, in lieu of our own Vermont bank bills, our citizens would, on the late bankruptcies, have been possessed of large sums of the depreciated paper of the failing private banks. If the president and directors of the state bank have the year past encountered some difficulties, occasioned by the intrigues of unprincipled speculators, and the alarm occasioned by the failure of so many private banks, I think no apprehensions can be justly entertained that any holders of our bills will eventually suffer from an institution which is, and, I trust, will be supported by the honor, and guaranteed by the wealth of the state. For my own part, I consider the holders of our bills perfectly secure; and as every person in the state has an interest in the avails of the bank, they will the more cheerfully acquiesce in any prudent measure you may devise, to give it support.

The state prison, I understand, is now nearly completed, and has for

some time been in such readiness as to receive prisoners. All the convicts, that have been sentenced to hard labor, and have not escaped from the county goals, or their terms of confinement expired, have been sent to the state prison, under warrants from the judges of the supreme court, as soon as information was received that the prison was prepared to receive them; and together with those who have been convicted since, have commenced their labors.

It may be proper, at this session, to inquire into the expenditures of the money already appropriated to the erection of that building, and to find if any other appropriation is necessary to complete it, and what further legislative aid is necessary to give to this humane and beneficial institution, its desired effect.

As it is the great object of legislation to promote the highest happiness of the people, I presume you will never lose sight of the two most important interests of this state, the agricultural and manufacturing. Whether any thing can be done for the encouragement of the latter, during the continuation of the embarrassments on commerce, will be a subject worthy of your consideration.

As a well armed and disciplined militia is the great and natural safeguard of a republican government, you will do well to inquire what further regulations and provisions are necessary in that department, to render it serviceable in times of danger.

Sundry official papers have been delivered to me by my respected predecessor in office, which I have not had time to peruse, but which I shall make the subject of a future message.

Gentlemen, I shall cheerfully co-operate with you in every measure that you in your wisdom may adopt, for the well being and happiness of the citizens of this state, and for the true interests of our common country. Relying on that Almighty Being who never errs, and from whom we have received so many and so signal favors, for direction and support, I commend you to the duties assigned you, and may your virtuous and patriotic labors be crowned with abundant success.

JONAS GALUSHA.

James Fisk, Titus Hutchinson, and Charles Rich were appointed to draft an answer to the foregoing speech. They were all in sympathy with the governor politically, and responded accordingly.—See printed *Assembly Journal* of 1809, p. 37.

SPEECH OF GOV. GALUSHA—1810.[1]

Gentlemen of the Council and Gentlemen of the House of Representatives, —It has been the pleasure of my fellow citizens once more, by their free suffrages, to proffer me the important trust of chief magistrate of this State. I cannot but feel the highest sense of gratitude for this repeated manifestation of their respect & confidence; but while I view the important duties attached to the office and the high responsibility upon me to discharge those official duties to the honor and best interests of the State, and having at the same time a just sense of my inadequate talents, and the few advantages I have possessed to qualify me for public employment, and especially to act in the capacity of chief magistrate

[1] From the corrected printed copy.

of this Commonwealth, it is with the greatest diffidence I appear before you, and take upon me the solemn obligation duly to discharge the duties assigned me; but relying on the candor and forbearance of a virtuous people, on your wisdom to direct in all the important concerns of the state, and hoping for the guidance and blessing of that indulgent Providence, which has so often been displayed in the defense and prosperity of this rising state, I have accepted my appointment, and shall endeavor as far as my abilities will admit, to discharge the duties devolving on me, with impartiality and upright intentions.

We had, gentlemen, a right to expect that principles of Justice and national honor would, long before this time, have caused Great Britain and France to have revoked their unjust and oppressive decrees, restore freedom to commerce, and left the United States in the full enjoyment of all those rights and privileges, to which by the laws and customs of nations, we, as neutral, are entitled—that our impressed seamen might have been permitted to embrace the bosom of their native country, and the ships and property of our merchants detained in foreign ports, restored to the possession of the rightful owners. But unhappily for the world, the two great rival powers of Europe are still bent on the destruction of each other; and neither being able to encounter his opponent in his own element, with hopes of success, they have adopted a mode of warfare which essentially affects all neutral rights, and every commercial state has felt the bitter effects of their unrighteous policy.

All the nations of Europe, by intrigue, subsidies, and flatteries on one hand, and terrors and the sword on the other, have been drawn or driven, to coalesce with the one or the other of the contending parties, and enter the vortex of the unhappy war. And what has been their fate? not only the destruction of property, the loss of territory, their former independence, and the sacrifice of innumerable lives, but in the event, they have added immense strength to those two terrific powers, who menace all nations, and threaten destruction to the liberties of mankind. Great Britain in the course of the war has augmented her marine force by the addition of a great portion of all the ships of war in Europe, and claims the dominion of the seas. France has been no less active. By her policy, and the unrivalled prowess of her arms, she has combined almost all the whole strength of continental Europe under her banner. In this state of affairs, was it not for the superintending and disposing power of Divine Providence, perpetual wars must be the lot of Europe. With what gratitude, gentlemen, ought we to contemplate the situation of our blessed country! and with what exertions should we endeavor to support every measure of the general government, calculated to preserve it from the disasters that shake the powers of Europe, and drench their fields with blood.

France and Great Britain have, each in their turns, exerted the utmost stretch of their policy to induce the United States to depart from their neutral position, and involve them in their destructive wars. But such has been the wisdom of the measures adopted and pursued by our general government, although we have to regret, that, for the want of unanimity among ourselves, they, in some measure, have failed of their desired effect; yet they have hitherto preserved the inestimable blessings of peace, and prevented ensnaring alliances with either of the belligerents.

Situated as the United States are, at such a local distance from the powers at war, I see nothing dark or portentous in our affairs but division among ourselves. Union is the vital strength of every nation, but especially of all Republics.

Permit me, gentlemen, to recommend to you to pursue such salu-

tary measures, and exercise that prudence, which, in your judgment, will have the greatest tendency to assimilate the feelings and unite the citizens of this state, promote friendship with our sister states, and a firm attachment to the government of the union. Was every American heart barred against foreign influence, and suitably attached to the government and interest of his own country, we might put the powers of Europe at defiance. We have the means of wealth and improvement within our own territory; and were we to turn our attention to our internal resources, and foster our infant manufactures, the belligerent nations of Europe would soon seek our friendship, court our trade, and render just retribution for the injuries they have done us. But notwithstanding all the privations by foreign powers, and the unhappy divisions among ourselves, we have yet these pleasing reflections: our civil and religious liberties bestowed on us by the God of nature, and guaranteed by the republican institutions of our country, remain unimpaired. The hand of industry is not slackened, and the poor have not wanted for that employment which has yielded them a comfortable support. The farmers and mechanics are, by their improved economy, now discharging those debts they contracted when commerce was in the most flourishing state, and we are daily becoming more truly independent. The manufactures, in various parts of the country, are increasing with a rapidity unparalleled; and the pride of Americans begins to be gratified with a dress of our own manufacturing. And I trust the time is not far distant, when the citizens of these United States, instead of relying on foreign countries for their clothing, will be able not only to supply their own wants, but to export every kind of cotton if not woolen goods, and restore to the union that portion of specie, which has been drawn from us by the exclusive use of foreign manufactured goods.

If any further legislative aid should be deemed necessary for the encouragement of domestic manufactures, I doubt not but that they will receive from you all that support which the circumstances of the state will admit.

We have recent intelligence that the Emperor of France has revoked his Berlin and Milan decrees; and although this is not officially announced, yet we have little reason to doubt but that it is correct. If so, we may indulge the pleasing hope that the British orders, and all paper blockades, will likewise be revoked, and the commerce of the United States become free and unshackled—our flag unfurled in every sea, and our merchants importing wealth from every clime; and should this happy event ensue, may we not learn wisdom from past experience? No people can profit by commerce, when the balance of trade is against them. And have we not been too profuse in the use of foreign articles of merchandize, which has caused the specie, that was flowing to America, to depart our shores for England and the Indies, and left us with a paper medium, limited in its circulation, and extremely embarrassing to internal commerce? But this is not the extent of the evil. Were our farmers and mechanics to examine past settlements with their merchants, would they not, in too many instances, find, notwithstanding the high price of labor and produce, that their accounts were closed by notes on interest, which are gnawing like a worm at the root of their capital, or lying as a mortgage on their future labors.

The Militia, gentlemen, claim an honorable rank among the objects of your attention. They are the guardians of our rights, the repository of our liberties, and the bulwark of our independence. Mercenary troops may be led to destroy the fair temple of liberty, to trample on the rights of freemen, and trifle with the rights of their countrymen; but

the militia, having a common interest with their fellow citizens, their property, their wives, their children, and their all, equally depending on the laws and the fate of their common country, can never be made to surrender the blessings of freedom and the rights of independence to any foreign or domestic usurper.

The improvement of the militia, in that part of the state where I am most conversant, in equipments and military discipline, has exceeded my highest expectations; and I doubt not but similar exertions have been made in every part of the state.

The provision made at the last session of the General Assembly, for procuring Field-Pieces for the several companies of Artillery, although every proper exertion has been made, has failed of its desired object; for the reasons of which, I must refer you to the communications of the Commissary of Military stores.

The subject of the University of Vermont was before the General Assembly at their last session, and remains with the unfinished business of the House. It will undoubtedly receive, at the present session, all that attention which the utility and importance of the institution merit. Of such moment is education, that it claims not only the patronage of all legislatures, but of every friend to the happiness of mankind. It is the suppressor of vice, and the handmaid of virtue. In a republic like ours, it is one of the grand pillars which support the structure of independence. Trace the annals of the world, and you will find, wherever ignorance has prevailed, the people have been soon crushed by the power of despotism, and have become the sport of tyrants.

Your attention, gentlemen, ought not to be wholly confined to the higher institutions of literature; neither should the means of knowledge be restricted to one class of the people, but liberally imparted to all. Every citizen ought to be so far instructed in the sciences as to be able to participate in the blessings of society, comprehend the nature of government, and the benediction of liberty. A people thus enlightened, and possessing a knowledge of their rights, will not be defrauded of them by any specious impostor, or surrender them but with their lives.

All the official communications made to me, during the recess of the Legislature, for your consideration, will be seasonably laid before you.

I shall, gentlemen, at all times cordially unite my endeavors with yours, to promote the best interests of the state, hoping, that under Divine Protection, we may enjoy a prosperous session.

JONAS GALUSHA.

Aaron Leland, Titus Hutchinson, and William A. Griswold, all political friends of the governor, were appointed to draft an answer, which agreed in sentiment with the speech.—See printed *Assembly Journal* of 1810, p. 88.

SPEECH OF GOV. GALUSHA—1811.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives, —Being elected by the independent freemen of this State, their chief magistrate for the ensuing year, with the highest sense of gratitude, I tender them my sincere thanks for so approbating my past conduct, as again to honor me with their confidence. I feel to acknowledge, as formerly on similar occasions, that the magnitude of the office and the im-

[1] Printed *Assembly Journal* of 1811, p. 19.

portance of its duties are far above the sphere of my talents; and at a period so momentous as the present, I should shrink from this arduous undertaking, did I not, under the auspices of a benign Providence, confide in your wisdom, firmness and virtue, not only for support in those duties which devolve upon me, but to transact all the important duties of legislation. With these impressions, while inspired with the love of my country, and prompted by the voice of my constituents, which I ever hear with reverence, I resume the important station. When we realize the greatness of the trust reposed in us by so many thousands of our fellow citizens to direct, as their faithful representatives, the affairs of a State in which the happiness of each individual claims equal regard, and the rights of all demand the same protection and support, we shall feel it our indispensable duty to lay aside all party prejudices and suffer ourselves to be actuated by no other motives than those which coincide with individual justice and the greatest general good, and diligently pursue such measures as will be productive of public and private virtue, without which the inestimable blessings of a free government cannot long subsist.

We are, gentlemen, convened at a time by no means the least eventful, although we have heretofore suffered much by the unjust policy of the belligerent powers of Europe; yet no period since the commencement of our differences has appeared to me so portentous as the present. Great Britain seems not inclined to relinquish her offensive orders in council, surrender up our impressed seamen, or permit us to enjoy the common and legal rights of a neutral nation—but assumes the attitude of a threatening invader, although France has mitigated the rigour of her hostile measures, and so modified her Berlin and Milan decrees that they have ceased to operate against the United States. But as it is not our province to decide on the subject of peace or war, that being by the constitution of the United States confined to the general government, of which this state is a component part, and has an equal voice in her council, it is not my intention to advance any opinion on the subject, or suggest any idea which may tend to excite the passions of my fellow citizens against any foreign nation whatever; and it would much less become me, while negociations for an adjustment are still progressing, which I pray God may terminate in an amicable settlement of all our difficulties, and that war may never be the unhappy fate of our beloved country. As the President has, for some cause, thought fit to convene Congress prior to the usual time of their convention, we may then expect to have a more extensive and perspicuous view of our national affairs. Let us, in the mean time, as far as possible, be prepared for any event which may occur. To be united is indispensably necessary to be prepared either for a state of war or for the full enjoyment of peace. The political divisions in the United States are productive of the most unhappy consequences: They not only tend to defeat every honorable attempt to terminate our differences with foreign powers by amicable treaty, but also to embolden the aggressors to persist in their unrighteous depredations on our property and add new insults to former injuries. A people well agreed in the principles of their social compact and firmly united in the support of their government, can surmount almost any obstacle which may oppose their prosperity and Independence. But when divided or torn asunder by faction, all domestic tranquility and enjoyment are at an end, and the greatest nation thus severed, may fall an easy prey to a foreign invader, or their liberties be destroyed by a domestic usurper.

Suffer me, gentlemen, on all occasions, to recommend to you in the

most pressing manner, to keep in view the union of citizens and states, for on this point turns the happiness and independence of our country.

It was not my purpose, if my abilities and information would admit, to enter into a particular detail and indication of the measures of the national administration, but only to excite you to a candid and dispassionate examination for yourselves. It will, I believe, be acknowledged by all, that the measures adopted by Congress restrictive of commerce, were intended to protect us against foreign aggressions, or cause them to be removed. Whether they were the best possible measures to effect those purposes or not, cannot for certainty be known, since they have been tried and others untried. But I can conceive of no measures that would have been more likely to succeed against the determined policy of the two great belligerent nations, while attended with that party opposition at home, which is manifest on all occasions. I wish not to prohibit a strict scrutiny of the conduct of the officers of government, or a careful attention to our liberties and national safety, but to prevent the dangerous evils arising from unreasonable and unfounded jealousies. Have not equal encouragements, with impartiality, been extended to both Great Britain and France, with an honest intention to procure a repeal or suitable modification of their unjust orders and decrees? And have not all political parties occasionally acknowledged and applauded the talents and virtue, the firmness and moderation of the President of the United States? Or has any one act of his life, either in his public or private capacity, manifested a design to change our government from its republican purity? What, then, should induce him, while possessed of the highest honors which his country can confer upon him, to sacrifice her dearest rights and Independence to the will of a foreign monarch? From what source then proceeds the continual charge of partiality and French influence? Have we not reason to suspect that it originates in a vehement party spirit, or a different foreign influence, operating upon some disappointed or ambitious individuals?

The confidence, gentlemen, which I have already expressed in your wisdom and integrity, supercedes the necessity of a particular detail of the business of the session. You being selected from the various parts of the state, are possessed of a knowledge of the wants and wishes of your constituents. There are some objects, however, which ought not to escape our notice. The militia, on which depends our safety in peace and our defence in war, is ever worthy of consideration. But, under the present unsettled state of our national affairs, more than ordinary attention may be requisite. The militia, if well equipt and disciplined, impelled, as they are, by motives of interest, and inspired by the love of liberty, are, I trust, sufficient to protect our rights, and repel any invasion of our territory. I consider it highly expedient, that a suitable supply of arms should be provided, either by this or the United States, for the use of our militia in cases of urgency. But whether the present state of our finances will admit of an appropriation for that purpose or not, I shall submit to your sound discretion.

The manufacturing interest received considerable encouragement at our last session; but I trust that an object so beneficial in the system of economy, and so favorable to our real independence, will be ever kept in view, and fostered by every prudent Legislature.

One of the great benefits of a system of jurisprudence is the permanency of those laws under which we enjoy our personal security and the protection of our private property. The frequent changes in our general statutes, render them perplexing to magistrates and jurors, tend to increase litigation, or promote what is by some styled "the glorious uncertainty of the law," and frequently subjects the honest citizen to ex-

pense and loss before the laws are fully promulgated, or their operation rightly understood. I should therefore recommend alterations in those cases only where experience has discovered a material defect.

I have received a resolution of the Senate and House of Representatives of the United States, proposing an amendment of the constitution of the United States, which, with other communications from the executives of individual states, I shall cause seasonably to be laid before you.

That economy which has ever characterized the Legislature of Vermont, I trust will stimulate you to make all that despatch in public business of the session of which a free and candid investigation will admit. I shall, gentlemen, readily concur with you in the adoption of such measures as may conduce to the best good of our constituents, and I ardently implore the Supreme Being, who hath all hearts in his hands, so to direct our deliberations that they may terminate in the true interest of the State and nation. JONAS GALUSHA.

Charles Rich, William A. Palmer, and John Peck, all being Jeffersonian Republicans, were the committee to draft an answer to the governor. Their report expresses the views of the party to which they belonged, and was not acceptable to their opponents, in whose behalf Rev. Asa Lyon moved a substitute, which, after debate, was rejected by a vote of 122 to 75, and the address of the committee was then adopted, 121 to 76.—See printed *Assembly Journal* of 1811, pp. 83, 103–106.

SPEECH OF GOV. GALUSHA—1812.[1]

Gentlemen of the Council, and Gentlemen of the House of Representatives,—The continued confidence of my fellow citizens has once more called me to acknowledge, with gratitude, their repeated favors and my renewed obligation. The contest in which we are involved causes me to feel the deepest sensibility of the necessity of your support and the benefit of your united wisdom, and also an entire reliance upon that Supreme Being, who hath hitherto been our support and defence, and who bestows wisdom on all who sincerely ask it.

It is the highest interest of every government, but especially of republics, on just and honorable grounds, to cherish peace and a good understanding with all nations; and I sincerely believe it to have been the unremitted endeavor of our National Government, by every mean in their power, to maintain the blessings of peace—remove the encroachments on our lawful commerce and the infringements on our national rights and independence, without resorting to the last and most dreadful remedy of repelling aggression by force. But Great Britain, from her superior naval force, has claimed the dominion of the seas, and put at defiance the rights of nations and individuals. Such has been her conduct towards the United States that we had no alternative but to submit to her arbitrary edicts and abandon our real independence, or with manly fortitude contend for our sacred rights at the expence and hazard of a war with that formidable nation, which in the exercise of power is regardless of right. When all honorable negociation was exhausted without effect, and restrictive measures, for want of union and support among ourselves, had failed to produce the desired object, every

[1] Printed *Assembly Journal* of 1812, p. 14.

hope of accommodation having perished, and the cup of our sufferings full, Congress, relying on the justice of their cause, the firm support of the patriotic sons of liberty and the aid of the God of armies, resorted to the last remedy of injured nations—an appeal to arms. The particular causes thereof are fully exhibited in the President's Message to both houses of Congress, of the 1st of June, 1812, and the report of the committee of foreign relations thereon.

Although some doubt the propriety of the measures adopted, yet war being declared by the constituted authorities of our country, it ought no longer to remain a question of policy, but it has become the duty of the state governments, and of every individual, with promptitude to espouse the sacred cause of our injured country, second the measures of our general government, provide for the defence and safety of our citizens, and with zeal pursue such measures as will tend to procure an acknowledgment of our national rights, a release of our impressed seamen, remove the encroachments on the great highway of nations, put a final period to the calamities of war, and establish a permanent and honorable peace. At so important and interesting a crisis as the present, it is expedient that we lay aside all party prejudices and unite in one common cause to maintain our independence, and transmit to posterity those invaluable rights which were sealed to us by the blood of our heroes, and by our example invite every citizen and friend of liberty to divest himself of all selfish and local policy, and with patriotic zeal embrace the cause of our common country, a country abounding with every necessary of life and in the full tide of civil and religious liberty. Is it possible to conceive that any citizens, living under such a mild and equal government, can be so destitute of a principle of patriotism, and so lost to their own true interest, as through a fond passion for a foreign power, the violence of party zeal or the sordid passion of avarice, to betray the just cause of their suffering country, prolong the horrors of war, invoke the vengeance of heaven, and be guilty of the blood of thousands, by devoting their talents and yielding their support to a nation whose pledged faith has been so often violated, and whose tender mercies by experience have been proved to consist in cruelty? Rather let a sense of common danger and a love of country cement our hearts, conciliate our affections and disappoint the sanguine hope of the enemy to profit by our divisions.

It is, Gentlemen, expected that the general government will direct all the important operations of the war, and provide means of defence in the several parts of the Union. But situated as this state is, contiguous to the populous settlements of the enemy and exposed to the whole military force in Lower Canada, I should be deficient in my duty if I did not recommend to you in the most pressing manner, by every mean in your power to put this state in the best possible posture of defence; to have the militia properly equipped, ready to take the field, and provide for their speedy and effectual movement to any place of danger whenever occasion requires. The militia law will need a thorough revision, and many additions to render it efficient for the exigencies of war. A committee was appointed at our last session for that purpose, and I trust a report will be seasonably made, that there may be a full investigation of the system. The promptitude with which the detached militia, in most of the towns, have marched to the defence of the frontier, has exceeded my highest expectations. Such a patriotic and military ardor pervades the state, that many thousands of the inhabitants, who were by law exempt from military duty, have enrolled themselves, elected their officers, and tendered their services to support

the laws and government of their country, suppress insurrections and repel invasions.

As soon as war became certain, I represented the exposed situation of our northern frontiers and the general destitution of arms for the use of the militia, to the Secretary of War, and received information from him that one thousand stand of arms would be delivered to my order at Springfield, Massachusetts, conformably to a law of the United States of the 23d day of April 1808, for arming the whole body of militia, which arms are to be distributed to the militia, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory. I have since received similar orders for fifteen hundred stands in addition on the same condition. It is requisite therefore that a law should be passed for the purpose of distributing them.

The whole of said arms have been, by the Commissary of Military Stores, transported to Bennington, and, from the necessity of the case, I have directed a portion of them to be deposited with the general officers in the northern part of the state, to be used by the militia in case of emergency; and, from like necessity, some have been delivered to the officers of the detached militia, for the use of those soldiers now in service who were destitute; a particular statement of which will be submitted to you, or such committee as may be appointed on the subject of a distribution. I sincerely regret that I am under the necessity to inform you that the arms already obtained fall far short of the real deficiency; and I do earnestly recommend that some measure be adopted that arms may be provided and brought into the state, to be sold to such of the militia as are able to equip themselves, and to furnish such as are not, when called into the service; and that a sufficient quantity of ammunition, tents and camp equippage be provided and constantly kept in readiness for use. After war was declared, the pressing calls from almost every town near the northern limits of this state, to be protected or furnished with the means of defence, were such as rendered it expedient for me to convene the Executive Council, to deliberate and advise on the best measures to be pursued under existing circumstances, which measures I entertain no doubt but you will approve, and make appropriation for the expence; as also for the transporting the arms, and some other incidental expences, which could not be foreseen and provided for at the last session.

It will, Gentlemen, be necessary that a law be passed directing the mode for electing Representatives to represent this State in the Congress of the United States. I am officially informed that this state will be entitled to six representatives in Congress from and after the third day of March next.

The time for which the Hon. Stephen R. Bradley was elected a Senator from this State in the Senate of the United States will end with the third day of March next. It therefore becomes the duty of the Legislature to elect a Senator to supply said vacancy for six years next following the said third day of March. It will also be necessary for you to direct the manner in which the electors of President and Vice President of the United States shall be appointed for the ensuing presidential election, and fix the place for the meeting of the electors.

The last Wednesday of March next being the day appointed by the Constitution for the choice of a Council of Censors, it will be expedient that a law to regulate the choice of said Council be passed in an early part of the session, that it may be seasonably promulgated for the information of the people.

The state of our finances is among the first objects that claim your

attention. The most favorable means ought to be resorted to to replenish the Treasury with a medium that will answer all the public purposes of the state, and secure its credit on a basis that cannot easily be shaken.

Although the pressure of business at the present session will scarcely allow you time to deliberate on all the various subjects of legislation, yet the improvement in manufacturing is an object of so great utility aad so immediately connected with our true interest and complete independence, that it cannot fail to meet the approbation and fostering care of every wise and prudent legislator.

May the importance of the business now before us, and the solemn consideration that the fate not only of the present generation, but of unborn millions, depends on the events of the present time, excite us to an assiduous and zealous attention to our respective duties, and inspire us with confidence and union among ourselves, and a firm reliance on that Omnipotent Being who sways the sceptre of the Universe, and directs the destinies of nations, to crown our joint labors with abundant success.

JONAS GALUSHA.

Montpelier Oct. 9th, 1812.

Nathaniel Niles, William A. Palmer, Titus Hutchinson, Charles Rich, and Heman Allen of Colchester, were the committee to report an answer. Their report was eminently partizan, and was adopted by a vote of 112 to 81.—See printed *Assembly Journal* of 1812, pp. 142, 151; and for views of the Federalists as to the war, see the same, p. 178.

APPENDIX B.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

Proposition to exclude Slaves in the Apportionment of Representatives in Congress.

From printed Vermont *Assembly Journal* of Oct. 15, 1804:

Rutland, 13th Oct. 1804.

To the Hon. the Speaker of the House of the House of Representatives:

Sir,—Herewith I transmit for the consideration of the Honorable House, certain Resolutions of the Legislature of the Commonwealth of Massachusetts, referred to in my Address to the two Houses of this day.[1] With due consideration and respect, I am yours,

Isaac Tichenor.

Caleb Strong to Isaac Tichenor.

Boston, June 22d, 1804.

Sir,—The Legislature of this Commonwealth have requested me to inform your Excellency of their doings, which are stated in the inclosed Resolutions, and request that similar measures may be adopted in the State of Vermont. I have the honor to be, Sir, with great respect, your Excellency's most obedient servant. Caleb Strong.

His Excellency the Governor.

Commonwealth of Massachusetts. In the House of Representatives, June 16, 1804.

Whereas by the Constitution of the United States it is provided, that Representatives shall be appointed [apportioned] among the several states, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; and further, that for the choice of the President and Vice President of the United States, each state shall appoint a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress:

And whereas the said provisions were so manifestly unequal, at the time the Constitution was formed, that they could have resulted only from the spirit of conciliation and compromise, which influenced the

[1] See *ante*, p. 388.

Eastern States; because in consequence thereof, a representation of the states is produced, unjust and injurious in its operation, both as it regards the number of free inhabitants in the several states, and their property; as in a State where the slavery of man is established by law, the slaves have no voice in the Elections—but a planter possessing fifty slaves may be considered as having thirty votes, while a farmer in Massachusetts, having equal or greater property, is confined to a single vote:

And whereas the effect of these provisions has been rendered more unequal and injurious by the course of events since the Constitution was established, by an augmentation of the number of slaves in the Southern States, and also by an increase of personal property in the eastern states, arising from the commercial spirit of the inhabitants:

And whereas the said provisions have been rendered more injurious, by important political changes, introduced during the present administration, in the purchase of *Louisiana*, an extensive Country, which will require great numbers of slaves for its cultivation, and when admitted into the Union, agreeably to the cession, will contribute, by the number of its slaves, to destroy the real influence of the Eastern States in the National Government; and also in the original mode of electing the President of the United States, whereby, in the appointment of that important Magistrate, the right of the small States, (among which are most of the Eastern States,) where there are few or no slaves, is greatly diminished:

And whereas in the apportionment of the direct taxes, the only compensation proposed by the Constitution, to the States not holding slaves, for the aforesaid unequal principle in representation, is now merely nominal, as the National Revenues are principally derived from commercial imposts, the present administration having repealed the excise laws, which operated in some measure, by a tax on luxuries, to equalize among the several States the contributions to the public burthens; and having also recently assessed additional millions on commerce, of which the Eastern States must pay much more than their due proportion, so that instead of contributing less than their proportionate share of public expense, as was contemplated by the Constitution, as a counterpart to unequal representation, they contribte more:

And whereas a union of the States, a measure so important in its consequences, cannot harmoniously exist, for a long period, unless it be founded on principles which shall secure to all Free Citizens equal political rights and privileges in the Government, so that a minority of Free Citizens may not govern a majority, an event which, on the principles of representation now established, has already happened, and may always happen.

Therefore, to preserve the *Union of the States*, upon sound and just principles, and to establish a foundation for general harmony and confidence among all the Citizens of the United States, by securing to them now, and at all future periods, equal political rights and privileges:

Resolved, That the Senators of this Commonwealth in the Congress of the United States be, and they are hereby instructed, to take all proper and legal measures to obtain an amendment of the Constitution of the United States, so that the Representatives be apportioned among the several States according to the numbers of their Free Inhabitants respectively, and for this purpose, that they endeavor to obtain a Resolution of two thirds of both Houses of Congress, proposing such amendment to the Legislatures of the several States in the Union.

And be it further Resolved, That His Excellency the Governor be re-

quested to transmit to each of the said Senators an attested copy of this Resolution.

And it is hereby further Resolved, That His Excellency the Governor be requested to inform the Chief Magistrates of the several States of the doings of the Legislature of this Commonwealth, and request them to adopt the same measures.

Sent up for concurrence. H. G. Otis, *Speaker.*

In Senate, June 20, 1804. Read and concurred.

D. Cobb, *President.*

A true Copy, Attest, John Avery, *Secretary.*

Oct. 18 1804, the foregoing resolutions were considered by the Assembly in committee of the whole, and the report was adverse. After debate on the report in the House, the question of acceptance was postponed to the 25th, when, "after a lengthy discussion of the subject," the report was accepted, yeas 106 to nays 76. In the Presidential election of 1800, Mr. Jefferson received 73 votes, 53 of which were from the slave states; and John Adams received 65 votes, 53 of which were from the free states: so Mr. Jefferson's votes were mainly from the slave, and those of Mr. Adams from the free states. This fact was adverted to in the preamble to the resolution adopted by Massachusetts, which was then a Federal State. That both the Jeffersonians and the Federalists in the legislature treated this as a party question, is evident from the yeas and nays. Among those who favored the adverse report of the committee were the following prominent Jeffersonians: William C. Bradley, Ezra Butler, James Fisk, Titus Hutchinson, Aaron Leland, Henry Olin, Mark Richards, Charles Rich, and Samuel Shaw, all of whom but two became Congressmen; while among the nays were prominent Federalists, to wit, Jedediah P. Buckingham, Daniel Chipman, Arad Hunt, Wm. C. Harrington, Asa Lyon, and Solomon Wright. On the next day, James Fisk, Titus Hutchinson, and Charles Rich were appointed to draft a message or reply to Governor Tichenor on the subject, and on the second of November they reported as follows:

Sir,—The resolutions transmitted by the Governor of Massachusetts, and which accompanied your message of October 13th, 1804, have received from this House that consideration which the importance of the subject requires.

We do not consider the provisions of the present constitution so unequal as supposed by said resolutions; nor do we consider those provisions to have been rendered more injurious by any political changes introduced during the present administration.

The amendment proposed, as we conceive, would materially affect a part of the federal constitution which was in fact the result of a spirit of compromise, and which guarantees to some of the States in the Union, a right, which to them is sacred; a right, in consideration of which, mutual benefits are secured to us. For although the duties arising from imports are sufficient to meet the exigencies of government, while we enjoy the calm sunshine of peace; yet, should the United States at any time be involved in war, (which is no uncommon fate of nations,) very important would be the power, and very necessary the use of direct taxation. And in such an event, we should highly appreciate the mode

of apportioning the expences among the several States, established by our present Constitution.

Again, we apprehend that the amendment proposed would have a tendency to destroy, rather than confirm, that union among the several States, so essential to our national prosperity.

We therefore cannot recommend the measure proposed by said Resolution.

This paper was adopted by a party vote—105 to 65, and it was ordered that the Speaker sign the same, and that Titus Hutchinson deliver it, with the resolutions of Massachusetts, to Gov. Tichenor.[1] Dec. 19 1804, Kentucky dissented from the proposal of Massachusetts for reasons which were fully set forth.—See printed Vermont *Assembly Journal* of 1805, p. 16.

PROPOSED AMENDMENT TO PREVENT THE FURTHER IMPORTATION OF SLAVES.[2]

J. Turner to Isaac Tichenor.

NORTH CAROLINA, Raleigh, 8th January, 1805.

Sir,—The legislature of this State have requested me to transmit to your Excellency the annexed resolution, proposing an amendment to the federal constitution, with a request that the same may be laid before the legislature of Vermont for their concurrence and adoption. I have the honor to be, Sir, with great respect, your Excellency's most obedient servant, J. TURNER.

His Excellency the Governor of Vermont.

NORTH CAROLINA, IN SENATE, November 23, 1804.

Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to take all legal and necessary steps, [and] to use their exertions, as soon as the same is practicable, to obtain an amendment to the Federal Constitution, so as to authorize and empower the Congress of the United States to pass a law, whenever they may deem it expedient, to prevent the further importation of slaves, or people of colour, from any of the West India Islands, from the coast of Africa, or elsewhere, into the United States, or any part thereof.

Resolved further, That the Governor be, and he is hereby requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress; also to the executives of all the different States in the Union, with a request that the same may be laid before their respective legislatures, for their concurrence and adoption.

JO: RIDDICK, S. S.

By order, M. STOKES, *Clerk*.

IN HOUSE OF COMMONS, 14th December, 1804. Read and concurred with. S. CABARRUS, S. H. C.

By order, J. HUNT, *Clerk*.

I hereby certify the foregoing to be a true copy from the original.

M. STOKES, *Clerk of the Senate*.

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[1] Printed *Assembly Journal* of 1804, pp. 84, 88, 159-161, 168, 266-269.

[2] See *ante*, p. 390.

Accompanying the foregoing was a resolution of the Legislature of Massachusetts, concurring with the proposition of North Carolina. This afforded the Jeffersonians an opportunity to put themselves on the record in respect to slavery, and disarm any criticism of their action in the previous year in rejecting the amendment to the constitution proposed by Massachusetts, so far as it touched slavery. In answer to the speech of Gov. Tichenor, they united with the Federalists in saying:

The amendment proposed by North Carolina, and adopted by Massachusetts, for putting a stop to the importation of slaves into the United States, shall be duly attended to. Universal freedom is one of those fundamental principles of our political institutions which are engraven on the mind and live in the affections of every true American. And although our country is already infested with slavery, the toleration of which might seem to contravene the general system of our policy, we trust that the humanity and justice of our country will prevent the increase of the deprecated evil, and arrest, as soon as possible, that execrable traffic in human flesh.

Oct. 17 1805, Lewis R. Morris (Fed.) introduced resolutions concurring with the amendment proposed by North Carolina, which were adopted by common consent, and were concurred in by the Governor and Council on the 19th.[1]

Proposed Amendment to limit the Jurisdiction of the Federal Courts.

Oct. 12 1805, Gov. Tichenor transmitted to the Speaker of the House resolutions of Kentucky proposing to amend the Constitution of the United States so as to exclude the Federal Courts from jurisdiction in the cases named in the last four clauses of Sec. II of Article III, to wit: "between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects." The Governor also transmitted resolutions of Pennsylvania of March 20 1805, which concurred with the proposal of Kentucky. The position of Kentucky towards Virginia had been very much the same as that of Vermont towards New York previous to the settlement of the controversy in 1790—distant from the seat of government and the courts of last resort, and with many conflicting claims to land to be legally settled. The condition of the two States was very much the same in 1805. The legislators of Vermont therefore well understood the grievance of Kentucky, and sympathized with her people; nevertheless, Oct. 22, on motion of Charles Rich, out of abundant caution, the subject was referred to the next session.[2]

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[1] Printed *Assembly Journal* of 1805, pp. 19, 20, 35, 54.

[2] Printed *Assembly Journal* of 1805, pp. 14, 18, 78.

Oct. 11 1806, the proposition of Kentucky was made the special order for consideration in committee of the whole house, and "after some time spent in debate," it was recommended to the House to concur in the proposition. This report was accepted, 148 to 34, and Charles Rich, Daniel Buck, and Titus Hutchinson were appointed to draft resolutions of concurrence. Of the lawyers, in the affirmative were William C. Bradley, Daniel Buck, Titus Hutchinson, and Abel Spencer; and in the negative William Baxter, Nathaniel Chipman, and Daniel Chipman. Nov. 3 the committee reported the following:

Whereas his Excellency the Governor of this State did, on the 12th day of October 1805, communicate to the Speaker of the House of Representatives of this State, for the consideration of said House, certain resolutions of the General Assembly of the State of Kentucky, which resolutions were in the words following, viz.

"Whereas, owing to the manner of appropriating lands on the western waters, adopted by the State of Virginia, previous to the erection of the State of Kentucky into an independent State,[1] there are many conflicting claims to land, and the titles to real property in this State are thereby rendered precarious and unsettled; and inasmuch as many claims to lands in this commonwealth are held by non-residents who have it in their election to have their suits tried in the State court or the court of the United States, which gives the non-residents a decided advantage, the resident having no such election; this advantage is more manifest, when it is considered that different principles of decision may be established by those different tribunals, and the non-resident has it in his power to resort to that court where former decisions favor his particular case, and this is not the only inconvenience which the citizens of this commonwealth are subject to; in consequence of our peculiar state, the artful and wealthy land claimant, who is an inhabitant of this State, by a transfer of his title to a non-resident, may give jurisdiction to the court of the United States, and thereby put it out of the power of his indigent opponent to pursue or support his claim with success; this is sufficiently evident when we recollect the great distance at which many of our citizens live from the district court of the United States for the Kentucky district, and their inability to prosecute an appeal to the Federal City:

"And whereas serious and alarming consequences may arise, from contradictory adjudications in the supreme federal court and the court of appeals in this State; and whereas the judiciary of each individual State ought to be considered as best qualified to decide upon the laws enacted by the legislature of that State, more especially when the subject to be adjudicated on is of such a nature as to require an intimate knowledge of the history of that State, and the particular mode of acquiring that property which is the subject of dispute:

"*Resolved therefore*, That the Senators in Congress from this State be, and they are hereby instructed, and our Representatives in Congress are also requested, to use their best endeavors to procure such an amendment to the constitution of the United States as will confine the judiciary power of the courts of the United States to cases in law and equity arising under the constitution and laws of the United States, and treaties made or which shall be made under their authority; cases

[1] In 1790. The acts of Virginia and New York, consenting to the independence of Kentucky and Vermont, were nearly contemporaneous.

affecting ambassadors, other public ministers and consuls; cases of admiralty and maritime jurisdiction; controversies to which the United States shall be a party; and controversies between two or more States.

"*Resolved also*, That the Governor be, and he is hereby requested to forward the foregoing resolution to each of the Senators and Representatives from this State in the Congress of the United States; also to the executive of each State in the Union, that the same may be laid before their several Legislatures, with a request for their co-operation in procuring the said amendment."

And whereas the aforesaid resolutions were, on the 22d day of October 1805, by a joint resolution of both houses, referred to the present session of the legislature:

And whereas also, it is the opinion of this legislature, that the good people of this State experience nearly all the inconveniences and evils expressed in the resolutions from the State of Kentucky; and that two independent courts, having no corrective over each other and holding jurisdiction over the same subject in controversy, cannot continue to exist within the same State without engendering seeds of jealousy and ill will, naturally tending to establish different and clashing rules of decision, and also forming two rallying points and erecting two standards for the resort of political partizans, and laying a foundation for that discord which may eventually terminate in the dissolution of our happy Union; which, together with the great expence of the service of writs returnable at so great distance, and of witnesses attending courts, (no depositions being taken within one hundred miles of court,) and the fees of counsel above what is required in our state courts, induce this Legislature fully to concur with the legislature of the State of Kentucky in the aforesaid resolutions:

Therefore Resolved, That this house fully concur with the legislature of the State of Kentucky in the aforesaid resolutions; and that his Excellency the Governor of this State be requested to transmit the aforesaid resolutions to each of the Senators and Representatives from this State to the Congress of the United States, and also to the executive of each State in the Union.

The foregoing resolutions were adopted by the House and concurred in by the Council.[1]

Proposed Amendment for Removing Judges of the United States' Courts.

Oct. 10 1807, William C. Bradley introduced, on leave of the House, a resolution for "an amendment of the Constitution of the United States, in such manner as will empower the President of the United States to remove any of the Judges of the Supreme Court of the United States, upon address made to him for that purpose, by a majority of the House of Representatives, and two thirds of the Senate, in Congress assembled;" which was referred to a committee consisting of William C. Bradley, Dudley Chase, and Titus Hutchinson. Nov. 4, this committee reported the following resolutions to the House, which were

[1] See printed *Assembly Journal* of 1806, pp. 29, 64, 180; and *ante*, p. 136.

adopted on the 5th and sent to the Governor and Council for concurrence:

STATE OF VERMONT. IN GENERAL ASSEMBLY, Nov. 4th, 1807.

Whereas there is no provision made in the Constitution of the United States for the removal from office of any of the Judges of the Courts of the United States, who are rendered incapable of discharging their official functions *by reason of extreme old age, insanity, or other reasonable cause, not amounting to sufficient ground for impeachment:*

And whereas it appears to this Legislature, that, unless some alteration shall take place, cases *will continually occur*, operating the suspension of public justice, and the sacrifice of the public good; evils which, in our opinion, may be remedied in a manner equally securing all proper independence to the Judge and the distribution of justice to the citizen.

Resolved Therefore, That the Senators in Congress from this State be and they are hereby instructed, and our Representatives in Congress are also requested, to use their best endeavors to procure such an amendment to the Constitution of the United States as will empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon address to him made for that purpose, by a majority of the House of Representatives, and two thirds of the Senate, in Congress assembled.

Resolved also, That the Governor be and he hereby is requested to forward the foregoing resolution to each of the Senators and Representatives from this State in the Congress of the United States, also to the executive of each State in the Union, that the same may be laid before their several legislatures for their co-operation in procuring said amendment.

Nov. 6th, the Governor and Council concurred, with amendments, to wit: by striking out the words in italic in the first clause in the preamble, and inserting the words "for any other cause than such as may subject them to be removed upon impeachment;" and by striking out the words in Italic in the second clause of the preamble and inserting the words "may occur"—both of which were agreed to by the House. March 1 1805, John Randolph of Virginia proposed to empower the President to remove any of the Federal judges "on the joint address of both Houses of Congress;" and on that day the Vermont members of the House voted as follows on a motion favorable to a consideration of the amendment: yea, Gideon Olin—nays, William Chamberlin, Martin Chittenden, and James Elliot. At the session of 1808, the Governor communicated the rejection of Vermont's proposed amendment by Delaware and Virginia.[1]

[1] Printed *Assembly Journal* of 1807, pp. 36, 224, 231; and *ante*, p. 177; Benton's *Abridgement of the Debates of Congress*, Vol. III, p. 341; and printed *Assembly Journal* of 1808, p. 110.

PROPOSITION FOR THE REMOVAL OF UNITED STATES SENATORS FROM OFFICE.

Nov. 3 1808, Gov. Tichenor sent to the General Assembly a resolution of the legislature of Virginia, adopted Jan. 13 1808, proposing an amendment to the federal constitution so

That the Senators in the Congress of the United States may be removed from office by the vote of a majority of the whole number of the members of the respective state legislatures by which the said Senators have been or may be appointed.

This proposition was not considered by the legislature of 1808, but in 1809 it was rejected, as follows:

IN GENERAL ASSEMBLY, Oct. 26, 1809.

Whereas his excellency the Governor of this State has communicated to this Assembly a resolution adopted by the legislature of Virginia, proposing an amendment to the Constitution of the United States: that the Senators in Congress of the United States may be removed from office by the vote of a majority of the whole of the members of the respective state legislatures by which the said Senators have been or may be appointed:

And whereas, in our opinion, the Senators in the Congress of the United States do not hold their offices during a period of sufficient length to render such amendment necessary: therefore,

Resolved, That we do not concur in recommending the amendment proposed by the resolution aforesaid; also,

Resolved, That the Governor of this State be requested to transmit copies of the foregoing resolution to the executive authorities of each of the United States.[1]

PROPOSAL TO LIMIT THE POWER OF CONGRESS AS TO ACTS OF EMBARGO.

Oct. 20 1809, Gov. Galusha sent to the Assembly a proposal of Massachusetts, the nature and the rejection of which appear by the following resolution of the Vermont Assembly:

IN GENERAL ASSEMBLY, Oct. 26, 1809.

Whereas his excellency the Governor has communicated to this Assembly a resolution adopted by the legislature of Massachusetts, which has for its object an amendment of the Constitution of the United States, so as to prevent the passing of any law for laying an embargo, or for prohibiting or suspending commerce, for a longer time than until the expiration of thirty days from the commencement of the session of Congress next succeeding that session in which such law shall have been enacted. And

Whereas it is obvious, that the Congress of the United States, within thirty days after the commencement of any session, can repeal any law laying an embargo for a longer period than thirty days after the com-

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[1]Adopted on motion of Titus Hutchinson.—See printed *Assembly journal* of 1808, p. 110; and of 1809, p. 71.

mencement of such session, if its longer continuance shall have become unnecessary, or can revive and prolong any such law, which would expire within thirty days as aforesaid, if its longer continuance shall become necessary; and that in this plain view of the subject, said amendment would be altogether nugatory; therefore,

Resolved, That we do not concur in the amendment contemplated in the foregoing resolution, so adopted by the legislature as aforesaid: also,

Resolved, That the Governor of this State be requested to transmit copies of the foregoing resolution to the executive authorities of each of the United States.[1]

Proposal for a Tribunal to determine Disputes between the General and State Governments.

At the same time with the foregoing proposal, the Governor sent to the Assembly an amendment proposed by Pennsylvania, which is set forth in the following resolution of rejection adopted by the Vermont Assembly:

In General Assembly, Oct. 26, 1809.

Whereas his excellency the Governor of this State has communicated to this Assembly certain resolutions adopted by the legislature of Pennsylvania, proposing an amendment to the Constitution of the United States, that an impartial tribunal may be established to determine disputes between the General and State Governments: and

Whereas such disputes are not so frequent, nor of sufficient magnitude, in our opinion, to render such a tribunal necessary: therefore,

Resolved, That we do not concur in recommending the amendment proposed by the resolution aforesaid; also,

Resolved, That the Governor of this State be requested to transmit copies of the foregoing resolution to the executive authorities of each of the United States.[2]

Proposal to prevent Citizens of the U. S. receiving Office or Emolument, &c., from Foreign Nations.

Oct. 17 1811, Gov. Galusha sent to the General Assembly an amendment proposed by Congress to the Constitution of the United States, which is fully set forth in the following extract from the *Assembly Journal:*

In General Assembly, Oct. 22, 1811.

Whereas his excellency the Governor has communicated to this house a resolution, passed by the Congress of the United States, proposing an

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[1] Adopted on motion of Titus Hutchinson.—See printed *Assembly Journal* of 1809, p. 70.

[2] Adopted on motion of Titus Hutchinson.—See printed *Assembly Journal* of 1809, pp. 46, 71.

amendment to the constitution of the United States, in the words following, viz.

"If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without consent of Congress, accept and retain any present, pension, office or emolument whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

Therefore, *Resolved*, That the foregoing amendment, proposed by Congress aforesaid, be, and the same is hereby (on the part of this State) agreed to, ratified and confirmed.

Also, *Resolved*, That his excellency the Governor be requested to transmit copies of the foregoing resolution to the President of the Senate and Speaker of the House of Representatives of the United States, and to each of our Senators and Representatives in Congress, and to each of the Governors of the several States.[1]

[1] Adopted on motion of Charles Rich, yeas 184, nays none.—See *Assemlly Journal* of 1811, pp. 56, 88.

APPENDIX C.

STATE-CAPITALS, AND STATE-HOUSES.

Until 1791 there were no places fixed by statute for the meetings of the legislature, or, as in the act of 1791 it was phrased, no places of "residence of the legislature." Previous to the passage of that act, the legislature met at Windsor in March and October 1778, February and April 1781, June 1782, February 1783, October 1785, and October 1791; at Bennington in February 1779, October 1780, June 1781, January 1782, February 1784 and 1787, and January 1791; at Manchester October 1779, 1782, and 1788; at Westminster March 1780, October 1783, and 1789; at Charlestown, N. H., October 1781; at Rutland in October 1784 and 1786; at Norwich in June 1785; at Newbury in October 1787, and at Castleton in October 1790. The Governor and Council also met in special sessions at Bennington in June 1778, November 1779, July and August 1780, and June 1790; at Arlington in April and December 1779, February, June and July 1780, March and April 1781, May 1782, and April, May and June 1783; at Windsor in July 1779, March 1786, and May 1801; at Manchester in January 1780; at Shaftsbury in March 1782, and April 1784; at Rutland in August 1788, and March 1799; and at Fairhaven in March 1789.[1]

Rutland and Windsor State Capitals from 1791 until 1797.

Nov. 1 1791, an act was passed declaring, in the preamble, that "great inconvenience and expence have arisen to this state by reason of having no fixed place for holding the sessions of the legislature," and that "no place near the center is sufficiently settled to accommodate the same:" and therefore designating Rutland for the session of 1792, and after that Windsor and Rutland alternately for the space of eight years; also providing that the then next *adjourned* session should be holden at Windsor, and after that alternately at Rutland and Windsor for the like space of eight years.[2] Accordingly the regular October sessions of 1792, 1794,

[1] *Vermont Legislative Directory*, 1876–1877, pp. 169, 170.

[2] See Vol. IV. p. 16, note 2, for the act in full; printed *Assembly Journal* of 1791, p. 34; and printed *Acts of October Session* of 1791, p. 19.—

and 1796 were at Rutland, and of 1793 and 1795 at Windsor. This covered five years only, instead of eight; and the only *adjourned* session was at Rutland in February 1797, instead of at Windsor, as the act of 1791 provided it should be. This was caused by the repeal of the act of 1791 in 1796. Oct. 26 1795, the House passed a bill repealing the act of 1791, yeas 81 to nays 54, and sent it to the Governor and Council for concurrence; that body nonconcurred, whereupon the House again passed the bill and and sent it to the Governor and Council, when it was suspended until the next session. Nov. 8, 1796, the House again passed the bill, yeas 71 to nays 55, and it became a law, as follows:

An Act repealing an Act entitled "an act to establish the residence of the Legislature of the State of Vermont, for the term of eight years," passed November 1st 1791.

Whereas said act is found to be inconvenient and expensive, therefore, *It is hereby enacted* by the General Assembly of the State of Vermont, that the act to establish the residence of the Legislature of the State for the term of eight years be and the same is hereby repealed. Passed Nov. 8, 1796.

Why it should be more inconvenient and expensive, other than at some place near the centre of the State, can be conjectured only. In fact, Rutland and Windsor were subsequently selected as the places of the meeting of the Legislature, but not exclusive of other towns. The record of sessions, until the final permanent location at Montpelier, is as follows: at Rutland in February 1797 and October 1804; at Windsor in Oct. 1797 and 1799, and January 1804; at Vergennes in 1798, Middlebury in 1800 and 1806, Newbury in 1801, Burlington in 1802. Westminster in 1803, Danville in 1805, and Woodstock in 1807.[1]

Montpelier the State Capital subsequent to 1807.

In General Assembly, Oct. 19, 1803.

On motion [of James Fisk, then of Barre.] *Resolved*, That a Committee consisting of a member from each county be appointed, to join a committee from Council, to take into consideration the expediency of the measure of establishing a permanent seat for the legislature, and report by bill or otherwise.

Solomon Wright of Pownal, Samuel Porter of Dummerston, Samuel Shaw of Castleton, William Perry of Hartford, Amos Marsh of Ver-

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The act of 1791 located the sessions at Windsor and Rutland on conditions that those towns should, "at their own expence, furnish good and sufficient houses for the reception of the legislature," &c. The records show that at Windsor a "meeting-house" was used, and at Rutland a "state-house."—See Vol. iv, p. 63, note 1. The building at Rutland still stands as a dwelling-house.

[1] See Vol. iv, pp. 100, 102, 123; printed *Assembly Journal* of 1795, pp. 152, 162, 168; printed *Laws of Vermont* of 1796, p. 49; and *Vt. Legislative Directory*, 1876-77, p. 170.

gennes, Thomas Porter of Vershire, Udney Hay of Underhill, Reuben Blanchard of Peacham, Benjamin Holmes of Georgia, Samuel C. Crafts of Craftsbury, and Daniel Dana of Guildhall were appointed the committee on the part of the House, and Noah Chittenden of Jericho, James Witherell of Fairhaven, Eliakim Spooner of Weathersfield, and Lieut. Gov. Brigham of Norwich were joined from Council. Nov. 7, the committee submitted the following report.

To the honorable General Assembly now sitting.

Your committee, to whom was referred the resolution relative to a permanent seat of government, Report, That in their opinion there ought to be appointed a committee, consisting of a member from each county, to be nominated by the several county conventions, as county officers are, for the purpose of examining and fixing upon the most proper place for a permanent seat of government, and to report at the next session of the legislature. PAUL BRIGHAM *for Committee.*

The representatives of each county accordingly met in county convention, with the following results:

The committee nominated by the members of the several counties, in convention assembled, to report on the business of a permanent seat for the legislature, and the erection of a work-house[1]—and appointed to that duty by the house, made report: that they had chosen, for the purpose of consulting on the business of establishing a permanent seat for the legislature, and for receiving proposals for the erection of a work-house, the following gentlemen:

Counties.	*Permanent Seat.*	*Work-house.*
Bennington,	Jonas Galusha,	Solomon Wright,
Windham,	Arad Hunt,	Arad Hunt,
Rutland,	Arunah W. Hyde,	Arunah W. Hyde,
Windsor,	Benjamin Emmons,	Alden Spooner,
Addison,	John S. Larrabee,	Gamaliel Painter,
Chittenden,	Noah Chittenden,	Thaddeus Tuttle,
Orange,	James Fisk,	Josiah Dana,
Caledonia,	James Whitelaw,	John Cameron,
Franklin,	Stephen House,	Benjamin Holmes,
Orleans,	Timothy Hinman.	Samuel C. Crafts,
Essex,	Daniel Dana,	Daniel Dana.

Which choice was concurred in by the house.

Nov. 12 1803, a bill entitled "an act appointing [the above named persons on a permanent seat] a committee to fix a place for a permanent seat for the legislature," was read, passed without a division, and was ordered sent to the Governor and Council for revision and concurrence or proposals of amendment; but the bill went over to the adjourned session as unfinished business.[2] At the adjourned session, Jan. 26 1804, the Governor and Council returned the bill to the House, with a recom-

[1] State prison. A committee of one from each county had been appointed on this subject, and of course it recommended and the House ordered the committee above named, but nothing but this report, to that effect, has been discovered in the journal of the House.

[2] Printed *Assembly Journal* of 1803, pp. 50, 208, 253, 271.

mendation to refer its consideration to the next session of the General Assembly; and the House concurred therein.[1]

Oct. 22 1804, the bill was called up and referred to a committee consisting of William C. Harrington of Burlington, Elihu Luce of Hartland, and Daniel Chipman of Middlebury; who, on the 6th of November, reported a new bill "appointing a committee to ascertain the most convenient place for a permanent seat of government;" which, on the 8th, was referred to the next session.[2]

Oct. 15 1805, the new bill was referred to a committee of one member from each county, to wit: Edmund Graves of Sunderland, Lemuel Whitney of Brattleboro, Nathaniel Chipman of Tinmouth, Pascal P. Enos of Windsor, Reuben Saxton of Salisbury, Jedediah P. Buckingham of Thetford, Nehemiah Perkins of Stowe, William Chamberlin of Peacham, John White jr. of Georgia, Samuel C. Crafts of Craftsbury, and Haines French of Maidstone. John White of Georgia and Nathaniel Niles of West Fairlee were joined from Council. Oct. 26 this committee made the following report:

The committee to whom was committed a bill referred from the last session of the legislature, entitled "An act appointing a committee to fix on a permanent seat for the legislature," made report, that they are unanimously agreed on the expediency of the measure of fixing a permanent seat, and that they have also agreed on the town of Montpelier, as being the most convenient place for the accommodation of the state at large, and therefore recommend to the legislature to appoint a committee of three to draft a bill accordingly.

Which report was read and ordered to lie on the table.

Nov. 5, Lewis R. Morris of Springfield, John White jr. of Georgia, and Dudley Chase of Randolph were appointed a committee to bring in a bill agreeable to the foregoing report, and on the 6th they reported a bill entitled "an act establishing the permanent seat of the legislature at Montpelier," which was read and ordered to lie on the table. On the next day this bill was passed, without a division of the House, and Nov. 8 it was returned from the Governor and Council concurred in with proposals of amendment, which the House agreed to,[3] and the bill became a law, as follows:

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[1] See Vol. IV, p. 400; and printed *Assembly Journal* of January session, 1804, p. 13.

[2] Printed *Assembly Journal* of October session of 1804, pp. 127, 305, 359.

[3] The amendments are not stated on the journal of either house. These may have been merely verbal; but it is conjectured, from the committee's report, that the bill of the House embraced only the first and second sections of the act, and that the Governor and Council proposed the third section.

AN ACT establishing the permanent Seat of the Legislature at MONTPELIER.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That Elijah Paine [of Williamstown,] Ezra Butler [of Waterbury,] and James Whitelaw [of Ryegate,] be, and they are hereby appointed a committee to fix upon a place in the town of Montpelier, for the erection of buildings for the accommodation of the Legislature of this state, and to prepare a plan for such buildings.

SEC. 2. *And it is hereby further enacted*, That if the town of Montpelier, or other individual persons, shall, before the first day of September, which will be in the year of our Lord one thousand eight hundred and eight, erect such buildings on the place designated by the aforesaid committee, to their acceptance, and shall compensate said committee for their services, and also convey to the State of Vermont, the property of said buildings and the land whereon they shall stand, and lodge the deed of conveyance, duly executed, in the secretary of State's office, then, and in that case, said buildings shall become the permanent seat of the Legislature, for holding all their sessions.

SEC. 3. *Provided nevertheless, and it is hereby further enacted*, That if any future Legislature shall cease to hold their sessions in said town of Montpelier, those persons, who shall erect said buildings, and convey the property of the same, and of the land as aforesaid, shall be entitled to receive from the treasury of this state, the full value of the same, as it shall be, then, fairly appraised.

Passed November 8, 1805.

A true copy, Attest, DAVID WING Jun. *Secretary.*[1]

THE FIRST STATE-HOUSE AT MONTPELIER—1808 TO 1835.

A town meeting of the freemen of Montpelier, legally warned for and held on the 25th of December, 1808,

Made choice of THOMAS DAVIS, GEORGE B. R. GOVE, and EBENEZER MORSE, a Committee to receive subscriptions and donations for a State House, and to superintend the building of the same, at the expence of the subscribers, the town in no sense to be liable either to pay for said building or to compensate the said Committee for their services.

In town meeting, Sept. 24 1806: Voted to discharge George B. R. Gove from serving as one of the State-House Committee at his own request, and made choice of Dr. JAMES H. BRADFORD, PARLEY DAVIS Esq. and Capt. DAVID HARRINGTON, in addition to the former Committee to superintend the expenditures of subscriptions & donations for building said House.[2]

The individual subscriptions received and expended by the committee amounted to $6,138.88, the most of which was paid in produce, neat stock, materials, and labor;[3] but in the spring of 1808, it became abso-

[1] Printed *Assembly Journal* of 1805, pp. 36, 104, 161, 163, 173; *ante*, 95, 97; and printed *Laws of Vermont*, 1805, p. 215.

[2] *Montpelier Town Records, Liber I*, pp. 188, 228.

[3] *State Capitol*, 1857, p. 284.]

lutely necessary to have money, or its equivalent, for the purchase particularly of glass and nails, and to finish the house, when a town meeting was warned for and held on the 12th of May, and the following votes were agreed to:

Voted to excuse James H. Bradford from serving as a State House Committee at his own request, and made choice of JOSIAH WING as a Committeeman to supply his place.

Voted to raise a Tax of four cents on the dollar of the inhabitants of this Town on the list of 1807, two thirds part payable in Grain, butter, or cheese, at cash price, to the State-House Committee on or before the first day of October next, and one third in Specie or current bank bills, or Orders from said Committee, or Receipts or Orders from SYLVANUS BALDWIN,[1] & payable by the first day of November next, said sums to [be] applied towards completing the State-House under the direction of said State-House Committee.[2]

The grand list of Montpelier in 1807 amounted to $23,569.91,[3] four per cent. of which was $942.79.[4] Adding to the individual subscriptions and the tax, $2000, which was the estimated value of the land when it was deeded to the State by Thomas Davis,[5] the cost of the house and out-building was $9,081.67; but "in addition to this sum there were many contributions never embraced in subscriptions, some of them large—gratuitous services, cost of collection, &c."[6]

On the completion of the buildings on the spot designated by the committee appointed by the act of 1805, THOMAS DAVIS, the owner, conveyed the land on which the buildings stood, and land adjoining, to the State by the following deed:

Know all men by these presents, that I, Thomas Davis, of Montpelier, in the County of Caledonia and State of Vermont, for a valuable consideration to me paid before the delivery hereof, and agreeably to an act of the General Assembly of the State of Vermont, passed at their session holden at Danville, in the year of our Lord Christ eighteen hundred and five, establishing the permanent seat of government for the State of Ver-

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[1] The contractor for building the house.

[2] *Montpelier Town Records*, *Liber I*, p. 243.

[3] Printed *Assembly Journal* of 1807, p. 310.

[4] In proceeding to collect the tax, the constable soon met SAMUEL RICH, a sharp and substantial inn-keeper residing in the north part of the town, who refused to pay on the ground that the town had no authority to raise money by tax to build a state-house. This legal point was well taken, and for a time alarming; but the Hon. DANIEL BALDWIN, then a minor, was appointed to collect the tax, which was cheerfully paid by the people, Mr. Rich responding with the rest. Mr. Baldwin was a brother of the contractor, worked on the house, and is the authority for this anecdote.

[5] *State Capitol*, 1857, p. 98.

[6] The same, p. 284.

mont at Montpelier in said County, do give, grant, bargain, sell, alien and convey to the State of Vermont a certain tract of land lying in Montpelier aforesaid, being part of a tract of land known by the description of Colonel Jacob Davis' lower pitch, containing two acres, bounded as follows, to wit: beginning on the northerly side of the turnpike road leading from said Montpelier to Burlington, so far westerly of a large brick house lately built by said Thomas Davis that a line turning northerly at right angle with said road will pass by said house one half rod westerly therefrom, thence northerly on right angle with said Turnpike road sixteen rods, thence westerly a parallel line with said Road twenty rods, thence southerly on a right angle sixteen rods to said Turnpike road, thence eastwardly on the northerly side of said road twenty rods to the place of beginning, together with the buildings thereon, lately erected for the accommodation of the Legislature of the State of Vermont: To have and to hold the said premises, with the appurtenances thereof, to the said State of Vermont, to their own proper use and benefit forever, and I, the said Thomas Davis, for myself, my heirs, do covenant with the said State of Vermont that until the delivering hereof I am the lawful owner of said premises, that they are free from all incumbrances, and that I will warrant and defend the same against all lawful claims whatever. In witness whereof I hereunto set my hand and seal this twenty-third day of August, in the year of our Lord Christ eighteen hundred and eight.

THOMAS DAVIS. [L. S.]

Signed, sealed and delivered in presence of EDWARD LAMB, GEORGE WORTHINGTON, CYRUS WARE.

STATE OF VERMONT, } MONTPELIER, August 23, 1808.
Caledonia County, ss. } Then personally appeared THOMAS DAVIS, signer of the aforesaid instrument, and acknowledged the same to be his voluntary act and deed. Before C. WARE, *Justice of the Peace.*

Received August 24, 1808, for record; recorded, examined and compared. Attest, JOSEPH WING, *Town Clerk.*[1]

The first State-House at Montpelier was occupied by the Legislature on the 13th of October 1808, and continued to be the capitol until it was superseded in October 1836. Oct. 17 1808, the committee appointed by the act of 1805 submitted the following report:

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[1] *Montpelier Land Records, Book III*, p. 94. THOMAS DAVIS was the second son of Col. Jacob Davis, the first permanent settler of Montpelier, and inherited the liberal spirit of his father in enterprises for the public good. He gave not only the land which the State occupied for its capitol, and also subsequently the lot on which the county jail stands, but went far beyond the requirements of 1805 in providing accommodations for the officers and members of the Legislature and people having business before it. The "large brick house lately built by Thomas Davis," referred to in the deed to the State, was the original Pavilion hotel, which was then the largest, most thoroughly constructed, and most elegantly finished and furnished hotel in the State. It was hardly excelled indeed by any public house in New England at that day, and equalled by but few. Mr. Davis died Dec. 17 1864, aged 95 years and 8 months.

The committee appointed to designate the place, whereon the public buildings, for the accommodation of the legislature, should be erected in the town of Montpelier, presented to the house the following communication:

We whose names are hereunto subscribed, being a committee appointed by the legislature of Vermont, in and by an act of said legislature, passed Nov. 8th, 1805, to fix upon a place in the town of Montpelier, for the erection of buildings for the accommodation of the legislature, do hereby certify, that said buildings are erected and finished, on the place designated by said committee, to the acceptance and satisfaction of said committee.

Given under our hands at Montpelier, this first day of September, 1808.

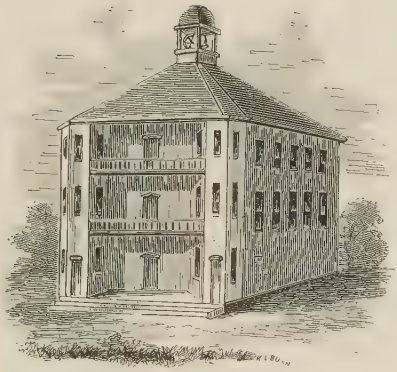
ELIJAH PAINE,
JAMES WHITELAW.

The foregoing communication being read, was ordered to lie on the table.[1]

The State-House, thus accepted, was well constructed, "of wood, fifty by seventy feet on the ground, thirty-six feet high [above the basement] to the roof, septangular shaped in front, but square on the sides and rear end,"[2] and surmounted by a belfry. The front was so shaped for the purpose of making a covered way to the vestibule of the hall of the House, a floor to each open gallery on the second and third stories in front, and winding stairs on either side of the vestibule to the inner gallery of the House, and to the Council chamber. The hall of the House of Representatives was in the northern part of the building, occupied the whole of the first floor except the vestibule, and was twenty-four feet in height, the third story and roof being supported by two tiers of columns, one tier on each side of the area through the center of the hall. These columns were squared and cased, with bases rising to the top of the backs of the first and lowest row of seats, and handsome capitals. The seats were strongly constructed of pine planks, straight-backed, and each back covered with a plank wide enough to admit of writing upon it. The arrangement of speaker's and clerk's desks, seats for the Councillors in joint assembly, seats for the representatives, and the public gallery, was substantially as in each succeeding hall. In the center of the area in front of the speaker's and clerk's desks was a very large stove for warming the hall, and over it was suspended a chandelier consisting of hundreds of glass prisms, so arranged as to reflect the light of many candles to every part of the room. The Council chamber was in the southeastern part of the third story, and was furnished with a table and chairs for the fifteen members of the board, including the

[1] Printed *Assembly Journal* of 1808, p. 19.

[2] D. P. Thompson's *History of Montpelier*, p. 105. Mr. Thompson's authority is not known. Hon. Daniel Baldwin, who worked on the house, thinks the length was eighty feet, and the editor of this volume is of the same opinion. The length of the hall was considerably greater than its width, and eighty feet would be required for this and a suitable vestibule, such as is remembered.



FIRST STATE HOUSE AT MONTPELIER.

Governor, Lieutenant Governor, and Secretary. A bar separated the Council from a part of the room to which spectators were admitted. In the rear of the Council chamber, and over the hall of the House, was a large room called Jefferson Hall, which was used by canvassing committees and caucuses; and from this hall there was access to several smaller committee rooms. Deacon SYLVANUS BALDWIN, the constructor of the building, was a thorough builder, the work was well executed, and the building elegant for its day, and commodious for the uses required at that time and for many subsequent years. Were not the dry pine benches &c., too strong temptations for the gratification of the yankee propensity for whittling, the first state-house would have been good for half a century at least. "The truth is, this old house was literally *whittled* out of use. The holes were too big for putty and paint, and too ugly to be agreeable. So a new house was indispensable, while, in all but the seats, the old was not half worn out." [1]

Several attempts have been made to remove the State-House from Montpelier, the most important of which are here briefly noted.

At the session of 1810, when the bill constituting a new county by the name of Jefferson [now Washington] was before the House, Mr. Joel Pratt 2nd of Manchester offered the following amendment:

Provided nevertheless, And it is hereby further enacted, That this act shall not take effect, nor said county of Jefferson be organized, nor any Supreme court hold any session therein, until the inhabitants of said county hereby created, shall pay to the inhabitants of said Montpelier, and other individuals, who assisted in building the state-house in said Montpelier, the full value of said state-house and the land on which it stands, so as to discharge the state from all liability to pay said value upon the legislature's ceasing to hold its session at said Montpelier; and be free from all obligations to hold any future sessions at said Montpelier, and be at liberty to hold their sessions in any part of this state which they shall think proper, without incurring any expense to the state in any way, on account of said state-house, and the said inhabitants of said county, so soon as they shall have paid for said state-house as aforesaid, and shall have rendered the said Legislature free to hold their sessions out from said Montpelier, without expense to this state, shall be entitled to receive from this state all the right and title this state has to said state-house and the land on which it stands.

On the question, will the House adopt the amendment to the bill, the yeas were 66, and the nays 102, so the amendment was rejected.[2]

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[1] *A Description of the State Houses of Vermont*, [1859,] p. 7. The completeness of Mr. Baldwin's work is indicated by an act of November 11 1808, appointing Col. JAMES H. LANGDON of Montpelier surveyor of the public buildings, and appropriating not exceeding four hundred dollars for repairs, a bell, furniture, five maps of the State, painting the representatives' hall, and furnishing a suitable stove for the Council chamber. Printed *Laws of* 1808, p. 169.

[2] Printed *Assembly Journal* of 1810, p. 129.

Nov. 3 1812, on motion of Titus Hutchinson of Woodstock, a committee of four members of the House, to join from Council, was ordered to inquire into the expediency of repealing the act of 1805, which made Montpelier the capital, and fixing upon some other place or places. Amos W. Barnum of Vergennes, James D. Butler of Rutland, William Baxter of Brownington, and John Noyes of Brattleborough constituted the committee of the House, and Elias Keyes was joined from the Council. On the 4th, the committee reported that the subject ought to be referred to the next session, which report was agreed to. On the 6th, on motion of Henry Olin of Leicester, the following was adopted:

Whereas it is thought by many of the good people of this state, that it is not consistent with the best interest of this state, that the seat of government should remain permanently fixed at Montpelier: and whereas it is represented that donations might be had, sufficient to pay the expense of erecting the state-house, at Montpelier, provided the legislature would hold their sessions alternately on each side of the mountain—Therefore,

Resolved, That one person in each of the counties of Rutland, Addison, Chittendon, Windsor, Orange, and Caledonia, be appointed, to receive such proposals as may be made relating to the removal of the seat of government, and make their several reports to this general assembly, at their next October session.

Ebenezer Langdon of Castleton, Amos W. Barnum of Vergennes, Heman Allen of Colchester, Elisha Hotchkiss of Chelsea, Joseph Winslow of Windsor, and William Cahoon of Lyndon constituted the committee, the Governor and Council not having been asked to join.[1]

Oct. 28 1813, the above named committee reported as follows:

MONTPELIER, Oct. 26, 1813.

To the honorable legislature of Vermont now in session.—The committee appointed by the honorable legislature, at their last session, to receive proposals from the inhabitants of the counties of Rutland, Addison, Chittenden, Windsor, Orange and Caledonia, relating to the removal of the seat of government, report:

That in case the present legislature should think it for the interest and convenience of the state, to remove the seat of government from the town of Montpelier,

The inhabitants of the city of Vergennes, in the county of Addison, propose to furnish the state with a commodious house in said city of Vergennes, for holding their future sessions—furnished with as many good stoves as may be necessary for their convenience and accommodation: and also to pay the treasurer of the state, within sixty days, or at such other time as may be required, a sum equal to one half the present value of the state house, now erected in said Montpelier, and take a conveyance of the same with the appurtenances thereto belonging. The said inhabitants of Vergennes secondly propose, that in lieu of said proposition and conveyance, to pay the treasurer of the state the sum of two thousand dollars as aforesaid, and leave the disposal and benefit of said buildings and premises to the state.

The inhabitants of Windsor, in the county of Windsor, propose to furnish a suitable building for the accommodation of the legislature, and

[1] Printed *Assembly Journal* of 1812, pp. 182, 183, 192, 201, 202.

also to pay to the treasurer of the state a sum equal to one half the present value of the state-house, at such time as may be required; and take a conveyance of the same as aforesaid.

The inhabitants of Burlington, in Chittenden county, propose to furnish the state with a suitable building for the accommodation of the legislature—and also to pay the treasurer of the state a sum equal to one half of the present value of the state-house in Montpelier, at such time as may be required; and take a conveyance of the same as aforesaid.

The foregoing propositions are made by the inhabitants of the city of Vergennes, and the towns of Windsor and Burlington, on conditions that the legislature shall, at their present session, pass a law establishing two of said towns as the permanent place for holding their future sessions, alternately, and those places only which are designated for the purpose aforesaid shall be holden to comply with the aforesaid proposals—and, should the said legislature hereafter think proper to remove their sessions from the aforesaid places, then and in that case it is expected and required, that the said state shall refund the aforesaid sums of money paid by the said inhabitants from the towns aforesaid.

All which is humbly submitted. AMOS W. BARNUM, *for committee.*

Which was read and referred to a committee consisting of a member from each county.

Sylvester Deming of Arlington, James Shafter of Athens, Amos Thompson of Poultney, Abel Barron of Hartford, Elisha Bascomb of Shoreham, Daniel Kimball of Bradford, Joel Brownson of Richmond, Bradford Kinney of Plainfield, John Damon of Cabot, William Hamilton of Berkshire, William Howe of Derby, Gaius Kibbe of Minehead now Bloomfield, and Stephen Pettes of Alburgh were appointed the committee, and the report was made and disposed of on the 6th of November, as follows:

The committee consisting of a member from each county, to whom was referred the report of a committee appointed at the last session, to receive propositions for the removal of the seat of government, *made report*, that they have taken into consideration the proposals from the towns of Windsor, Burlington, and Vergennes, for altering the place of the future sessions of the legislature, and are of opinion that the removal of the seat of government from Montpelier, is inexpedient and improper.

Which report was read and accepted, and on the question *will the house accept the report of the committee?* the yeas and nays were taken, and were as follows, viz. Yeas, 121; Nays, 55.[1]

At the session of 1824, Isaac N. Cushman of Hartland introduced a bill establishing the permanent seat of the legislature at Burlington and Windsor, which was read and referred, and subsequently reported, when Daniel Cobb of Strafford moved to dismiss the bill, which was agreed to,

[1] Printed *Assembly Journal* of 1813, pp. 77, 78, 79, 126, 127. The names of members have been omitted; but as Lieut. Gov. Henry Olin introduced the resolution of 1812, for a committee to receive proposals, the facts should be stated that he voted for the acceptance of the above report against removal from Montpelier, and still again favored Montpelier in 1824.

yeas 118, nays 49.[1] This bill was debated by several of the ablest men of the State of that day, as appears by the following account in the *Bellows Falls Intelligencer* of Dec. 6 1824:

[MONTPELIER,] Saturday, Nov. 14 [1824.]

The bill for removing the seat of Government from Montpelier to Burlington and Windsor alternately, was read, when Mr. Cobb moved that the bill be dismissed, and a humorous debate ensued. Messrs. Everett [Horace of Windsor,] Haight [Stephen of Monkton,] Cushman [Isaac N. of Hartland,] Adams [Charles of Burlington,] and Chase [Dudley of Randolph,] took part against the motion, and Messrs. Olin [Henry of Leicester,] Fitch [Lyman of Thetford,] Fletcher [Isaac of Lyndon,] Mattocks [John of Peacham,] Arnold [Samuel of Londonderry,] Rice [Amos of Worcester,] Prentiss [Samuel of Montpelier,] Hutchinson [Titus of Woodstock,] and Bell [James of Walden,] in favor of dismissing the bill.

The question occupied the attention of the House the whole of the forenoon and was decided in favor of dismissing the bill, yeas 118, nays 49.

THE SECOND STATE HOUSE AT MONTPELIER, 1836 TO 1857.

Oct. 21 1831, Rodney C. Royce of Rutland moved a resolution authorizing the Committee of Ways and Means to inquire into the expediency of appointing commissioners to receive proposals from the citizens of Montpelier, Burlington, Woodstock, Windsor, and Rutland, for the erection of a new State-House. Middlebury and Randolph were added, and the resolution was made the order of the day for the 24th, when it was amended so that proposals might be received from every town in the State. Milton Brown of Worcester moved to dismiss, which was negatived, 99 to 81, and then the resolution was agreed to. Nov. 2, the Committee recommended the appointment of two commissioners; but on the 4th, Rodney C. Royce moved a joint resolution authorizing the Governor to appoint four commissioners, which was adopted by the House, and nonconcurred in by the Governor and Council on the 8th. On the 9th, on motion of Udney Hay Penniman of Colchester, the House appointed, without asking the concurrence of the Governor and Council, Ezra Meech of Shelburne, Robert Temple of Rutland, Allen Wardner of Windsor, and Timothy Hubbard of Montpelier, "a committee to receive proposals from the inhabitants of the different towns in this state for the erection of a new state-house, and make report to the next session of the legislature."[2]

Oct. 22 1832, Messrs. Temple, Wardner, and Hubbard, of the committee, reported that a committee of the citizens of Burlington offered thirty thousand dollars; on the 24th Messrs. Hubbard and Wardner further

[1] Printed *Assembly Journal* of 1824, pp. 117, 120, 182.

[2] Printed *Assembly Journal* of 1831, pp. 53, 66, 123, 139, 157, 169.

reported that a committee of the citizens of Montpelier offered ten thousand dollars, or one third part of the expense of building the proposed house;[1] and on the same day Augustus Young of Craftsbury introduced a bill authorizing the erection of a State-House at Montpelier, which was referred to a committee of one member from each county, to wit, Mark Richards of Westminster, Isaac N. Cushman of Hartland Harry Hale of Chelsea, John S. Robinson of Bennington, Rodney C Royce of Rutland, Edward D. Barber of Middlebury, Timothy Follett of Burlington, Azel Spalding of Montpelier, Augustine Clarke of Danville, George C. West of Brownington, John Dewey of Guildhall, Thos. Waterman of Johnson, and Joel Allen of North Hero. Oct. 30, Timothy Follett of Burlington introduced a bill establishing the permanent seat of the Legislature at Burlington, which was referred to the same committee. Nov. 2, on motion of Amasa Pride of Waterbury, the committee was instructed to inquire into the expediency of locating the State-House at Waterbury, on condition that the town or individuals "will in part be at the expense of erecting the house." Nov. 5, Azel Spalding of Montpelier introduced a bill "authorizing the building of a State-House at Montpelier," and on the same day the select committee reported a bill "for the purpose of erecting a State-House, and permanently locating the seat of Government," both of which were laid on the table. On the same day Mr. Young called up the bill of the committee and other papers and proposals on the subject, and the House went into committee of the whole, Wyllys Lyman (then of Hartford, afterward of Burlington,) in the chair. Mr. Follett moved to amend the bill by fixing Burlington as the capital, which was supported by Messrs. Follett of Burlington, Rodney C. Royce of Rutland, and Giles Harrington of Alburgh, and opposed by Isaac N. Cushman of Hartland, and Seth Austin of Tunbridge. John Smith of St. Albans interposed a motion to postpone the bill to the next session, which was supported by Messrs. Allen Wardner of Windsor, Royce of Rutland, Follett of Burlington, Ebenezer N. Briggs then of Salisbury, and Selah H. Merrill of Castleton, and opposed by Messrs. Spalding of Montpelier, Samuel Arnold of Londonderry, Harry Hale of Chelsea, Augustine Clarke of Danville, Samuel Austin of Tunbridge, and Cushman of Hartland, and negatived, 120 to 86. The question then recurred on the motion to make Burlington the capital, which was supported by Mr. Follett of Burlington, opposed by Mr. Cushman of Hartland, and negatived, 136 to 62. The committee then reported the bill without amendment. This bill was then laid on the table, and the bill of Mr. Spalding taken up, which located the capital at Montpelier.[2] Mr. Follett of Burlington then moved to

[1] Subsequently fixed at $15,000.

[2] This does not appear in the House journal, but in the newspaper reports, and is confirmed by the record of the laws of the session, which shows that Mr. Spalding's bill was passed.

postpone the bill to the next session, which motion was supported by Mr. Follett, opposed by Augustus Young of Craftsbury, and negatived, 111 to 92. "The discussion throughout was gentlemanly, and characterized by much good feeling and candor." Mr. Spalding's bill was ordered to the third reading, 114 to 91; was passed on the 18th of November, 115 to 83; and on the same day was concurred in by the Governor and Council, 10 to 2.[1] The act was as follows:

AN ACT authorizing the building of a State-House at Montpelier.

SEC. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, that the sum of fifteen thousand dollars be, and the same is, hereby appropriated for the purpose of erecting a new State-House at Montpelier, and the treasurer of the State is hereby directed to pay said sum to the committee to be appointed as hereinafter provided, to superintend the building of said State-House, out of any money in the treasury not otherwise appropriated. *Provided*, the inhabitants of Montpelier, or any individuals, shall, before the first day of January in the year of our Lord one thousand eight hundred and thirty-three, give good and sufficient security, to the treasurer of this State, to pay into the treasury of this State the sum of fifteen thousand dollars; one half of said sum to be paid in one year and the remainder in two years from the passage of this act; which said last mentioned sum shall also be paid to said committee and expended for the purpose aforesaid.

SEC. 2. *It is hereby further enacted*, that it shall be the duty of the Governor of this State to appoint three suitable persons as a committee to fix upon a place in Montpelier for the erection of said State-House, and to prepare a plan for the same; and it shall be the duty of said committee to deliver one copy of their proceedings, together with a plan of said State-House, to the Secretary of State, and one to the superintending committee, on or before the first day of March, in the year of our Lord one thousand eight hundred and thirty-three.

SEC. 3. *It is hereby further enacted*, that it shall be the duty of the Governor of this State also to appoint some suitable person or persons as a committee to superintend the erection of said State-House, agreeably to the plan adopted by the committee aforesaid.

SEC. 4. *It is hereby further enacted*, that the superintending committee shall, before they enter upon the discharge of their duties, give good and sufficient bonds to the treasurer of the State, in the sum of fifteen thousand dollars, for the faithful discharge of their duties.

Passed Nov. 8, 1832.[2]

The sum of fifteen thousand dollars, required of Montpelier by the foregoing act, was subscribed and paid into the State treasury under the following terms of subscription:

In consideration that the Legislature of the State of Vermont will permanently establish the seat of Government at Montpelier, by erecting a durable State-House, we, the undersigned, do hereby promise and agree to pay the Treasurer of said State, the several sums annexed to our names respectively, in the following manner, viz. one half within

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[1] Printed *Assembly Journal*, of 1832, pp. 56, 74–5, 88, 93, 97, 108, 122–3, 125, 132, 137–140, 146, 160; Ms. *Council Journal*, Vol. 11, p. 499; *State Journal*, and also *Vt. Patriot & State Gazette*, of Nov. 12, 1832.

[2] Printed *Acts of* 1832, p. 17.

one year and the remainder within two years from the passage of an act for the purpose aforesaid.

The subscriptions secured by the committee of the citizens of Montpelier amounted to eighteen thousand dollars, and the excess of three thousand dollars, beyond the sum required by the act, was paid for five acres of land deeded to the State "for the sole purpose of erecting State Buildings and a common for the use of the same and the public, to have and to hold the" "described premises with the appurtenances thereof, to the said State of Vermont for their own use and benefit forever, for the use and object as above specified."[1] There were other expenses incurred: in removing the Court House, which was borne by Washington County, and in removing a new brick school-house and rebuilding it, costing six hundred dollars, which was paid by the school-district. The sum paid by citizens of Montpelier and the immediate vicinity, for the second State-House, was therefore eighteen thousand and six hundred dollars, exclusive of the land deeded by Thomas Davis in 1808, and also of the sum paid by the County for the removal of the Court-House.

Gov. Jenison appointed SAMUEL C. CRAFTS of Craftsbury, ALLEN WARDNER of Windsor, and GEORGE T. HODGES of Rutland, to be commissioners for the purpose of fixing the place in Montpelier for the erection of the State-House, and to prepare a plan of the same; and LEBBEUS EDGERTON of Randolph to be the superintendent of construction. The commissioners and superintendent, accompanied by architect AMMI B. YOUNG, examined the State-Houses of New Hampshire, Massachusetts, and Connecticut, and then adopted the plan of Mr. Young, selected Barre granite for the exterior walls, prescribed copper for covering the dome and roof, and an interior finish so that the estimated cost would not exceed sixty thousand dollars, but recommended that the legislature adopt an improved finish which would increase the cost to eighty-four thousand dollars. The legislature made repeated appropriations for this purpose, amounting in all to $133,500, including the $15,000 paid into the treasury by the committee of citizens of Montpelier. The balance of appropriations, over the amount expended by the State, was $1,422.27, making the cost of the buildings, grounds, fences, furniture, &c. $132,077.23. To this sum should be added $3,600 paid by citizens of Montpelier for land and clearing the same, and at least $2,000 for the land deeded by Davis in 1808, that being the estimated value in 1808—making the total actual cost $137,677.23. The work was commenced in the winter of 1833, and completed in the autumn of 1838. From 1833 to the autumn of 1836, LEBBEUS EDGERTON was the superintendent, and for the two years succeeding, the duties of superintendent were assigned by the legislature to AMMI B. YOUNG, who had been the architect from the beginning.[2]

[1] See Montpelier *Land Records*, Book 8, pp. 453 to 456, for the deeds.

[2] AMMI B. YOUNG, born at Lebanon, N. H., in 1797, won in this work high reputation for skill as an architect and constructor, and so com-

The following description, by Rev. Zadock Thompson of Burlington, was made on the authority of Mr. Young:

The building stands on an elevated site, about 325 feet north of State street, on which it fronts, and is about 35 feet above the level of it. The entrance to the grounds, and principal approach to the house from that street, is noble and commanding; the gateways, the fence, the grounds, and all their details are in keeping with the building and assist in giving to it that consideration it should have, as the capitol of a flourishing, independent state. The building is very neat and simple in its design; a pure architectural character is preserved throughout; this, combined with the convenience of interior arrangement, and the permanency of its construction, renders it a structure of more merit than any other in New England.[2] It is in form of a cross, shewing in front a centre 72 feet [and 8 inches] broad, ornamented with a projecting portico of six columns, six feet in diameter, of the Grecian Doric order, with its proper entablature and pediment extending the whole width of the centre, and two wings each 39 feet, making the whole length 150 feet. The centre is 100 feet deep, and the wings 50 feet deep. To the apex of the pediment of the portico in the centre is 44 [60] feet, and to the top of the dome 100 feet from the ground. The wings are 36 feet high. The walls of the exterior are of a beautiful colored granite, which shews the architectural details to great advantage, and the roof and dome are covered with copper.

The interior is entered in front from the portico, through a door eight feet wide, into the entrance hall 32 by 38 feet, 14 feet high, the ceiling of which is supported by 6 Ionic columns, 18 inches in diameter; there is also an entrance from each end and rear of the building, communicating with the entrance hall, by corridors of proper width. In the lower story are offices for the Secretary of State, the State Treasurer, the Auditor of Accounts, and the Engrossing Clerk, the two first having fire-proof safes attached to them. There are also in this story eleven committee rooms, and two rooms for furnaces to heat the halls, &c. in the principal story. To the right and left from the entrance hall two spacious stairways lead to two circular halls or landings in the second or principal story. These halls are 20 feet in diameter and 20 feet high, with domical ceilings, communicate with the senate chamber and its gallery, the vestibule to the representatives' hall, the governor's room, the library, and several rooms for the officers of the senate &c.; and they also communicate by stairways and galleries with the gallery to the representatives' hall and committee rooms in the attic. The vestibule to the representatives' hall is 18 by 36 feet and 18 feet high, and is square in plan. The representatives' hall is in form of the letter D, is 57 by 67 feet and 31 feet high, with domical ceilings. The senate chamber is elliptical on the plan, 30 by 44 feet and 22 feet high, with domical ceilings. The governor's room is square, 20 by 24 feet, 18 feet high. The library is 18 by 36 feet, 18 feet high, with gallery and shelves capable of holding 10,000 volumes. All the above rooms are finished in a neat and appropriate manner, the walls have an agreeable architectural ordonnance of columns, pilasters, niches, antae, &c. and their ceil-

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mended himself by his probity and modesty as to win influential friends, through whom he speedily became known to the national government, and was employed by it in the construction of public buildings for many years. He died in the city of Washington on the 13th of March 1874.

[2] Meaning in 1842.

ings are panneled in the simple and imposing style of Grecian architecture. From the peculiar profile of the mouldings of the details of the ceilings, and the curves of the arches, the most beautiful gradations of light and shade are produced, from the brightest light to the deepest shade, so combined as to give the greatest possible effect and beauty to the whole. The rooms are all furnished in a neat and appropriate manner, with their proper furniture. The representatives' hall has hard wood desks and seats for the members, and the officers their proper desks and chairs. The governor's room and senate chamber are furnished with black walnut tables and chairs: and everything is in perfect keeping throughout the house.[1]

Jan. 6 1857, the second State-House took fire from one of the furnaces under the floor of the Representatives' Hall, and from thence the flames ran quickly within the ceiling to the roof and dome. The weather was very cold, with a strong gale from the northwest, and these unfavorable conditions, together with the location of the fire, defied all efforts to save the interior of the building, "and all the contents except the Library, which was got out, and the books and papers in the safe of the Secretary of State's office, a few articles of furniture, and the portrait of Washington, was reduced to a heap of ruins."[2] The exterior walls of granite, which were lined with brick, withstood the heat so well that the portico and outline of the walls of the entire building were well preserved; and being divested of the dome, which does not belong to the Doric order of architecture, the exceeding beauty of the portico and centre building was more clearly discernible than ever before. To preserve a memorial of that beautiful house, the editor of this volume caused the same to be photographed and engraved on wood. The engraver faithfully copied the photograph in the wood-cut opposite to page 442, but lest those not familiar with the grounds mistake the apparent angle in the centre of the fence for a corner of the yard, it is necessary to state that the fence represented is really on a straight line, but ascends rising ground from the level part of the yard. The plate shows only a part of the grounds, not embracing any of the fence immediately in front of the building. Any person familiar with engravings of the ancient Grecian Doric temples, such as the Parthenon at Athens,—that "purest and noblest monument of Greek art, which has ever been accepted as the most perfect model of this style"—the temple of Jupiter at Ægina, and of Neptune at Pæstum, will at once recognize in the portico of the State-House a perfect copy to the smallest detail, as indeed it was, of one of the best specimens of Grecian architecture.

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[1] *Thompson's Vermont*, Part II, pp. 131, 132.

[2] D. P. Thompson's *History of Montpelier*, p. 149. To this list of articles saved should be added the books and papers in the Treasurer's office and the marble bust of Judge Elijah Paine.

THE THIRD STATE HOUSE AT MONTPELIER—FROM OCT. 13, 1859.

Jan. 26 1857, Gov. Fletcher issued a proclamation summoning the legislature to meet at Montpelier on the 18th of the succeeding February, and it met accordingly. After patient consideration and full discussion, the House, in committee of the whole, Feb. 26, by ballot, selected Montpelier as the capital, and on the 27th passed "an act to provide for rebuilding the State-House," yeas 138, nays 80, and on the same day the Senate concurred, 18 to 11.[1] The act was as follows:

AN ACT to provide for rebuilding the State-House.

It is hereby enacted by the General Assembly of the State of Vermont, as follows: SEC. 1. The sum of forty thousand dollars is hereby appropriated for the purpose of rebuilding the State-House, and making such repairs and improvements in and around the same, and furnishing said House, as may be necessary; and the Treasurer is hereby directed to pay said sum to the Committee to be appointed, as hereinafter provided, to superintend such work of rebuilding and repairing as aforesaid, out of any moneys in the treasury not otherwise appropriated. *Provided*, the inhabitants of Montpelier, or any individuals, shall, before the rising of this Legislature, give good and sufficient security to the Treasurer of this State, to pay into the treasury of the State a sum equal to the whole cost of the work mentioned in the first section of this act, one half of said sum to be paid in one year and the remainder in two years from the passage of this act, or on the completion of the work.

SEC. 2. It is hereby made the duty of the Governor to appoint three suitable persons as a Committee to prepare a plan according to which such rebuilding and repairs are to be made. And it shall be the duty of said Committee to deliver one copy of the plan so prepared by them to the Secretary of State, and one to the superintending Committee, on or before the first day of April, A. D. 1857.

SEC. 3. It is hereby made the duty of the Governor to appoint some suitable person as a Committee to superintend the work mentioned in the first section of this act, agreeably to the plan adopted by the Committee aforesaid. And such superintending Committee shall, before he enters upon the discharge of his duties, give good and sufficient bonds to the Treasurer of the State, in the sum of twenty thousand dollars, for the faithful discharge of his duties.

SEC. 4. This act shall take effect from its passage.

Approved, February 27, 1857.[2]

Under the second and third sections of the act, Gov. Fletcher appointed George P. Marsh of Burlington, Norman Williams of Woodstock, and John Porter of Hartford, a committee to prepare a plan for

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[1] The ballots were as follows: Montpelier 116, Burlington 67, Rutland 35, Bellows Falls 8, Middlebury 1, and Northfield 1—majority for Montpelier 4.—*Vt. Capitol*, 1857, pp. 77, 253, 271; and *Journals of the Senate and House*. The volume entitled *Vermont Capitol*, 1857, contains the proceedings and speeches in both Houses, the most important of the speeches having been either written or revised by the speakers.

[2] Printed *Acts of* 1857, p. 171.

rebuilding and repairs; and Thomas E. Powers of Woodstock a Committee to superintend the work. Thomas W. Silloway of Boston was employed as architect until the autumn of 1857, when Joseph R. Richards of Boston succeeded him and was employed until the buildings were ready for use.

Feb. 27 1857, Elisha P. Jewett, George W. Collamer, and Erastus Hubbard, citizens of Montpelier, executed a bond in the sum of one hundred thousand dollars, as required by the first section of the act approved on that day. The Committee to prepare a plan acted so promptly that on the 25th of the succeeding March, Superintendent Powers issued proposals for contracts, which were speedily made, and the work was so steadily and successfully pressed, that the present much enlarged and improved State-House was completed for use on the 13th of October 1859. The cost of rebuilding and furnishing to Oct. 22 1860, was $140,996.63.[1] Subsequently there was paid, under special acts, $5,400 to Superintendent Powers, and $2,000 to Larkin G. Mead for the statue of Ethan Allen—making the total cost $148,396.63. Of this sum, the State received $42,220.72 from citizens of Montpelier, and the balance of the total cost was paid by the State. Citizens of Montpelier subscribed for rebuilding the house, in May 1858, $10,000, which sum was paid to the State Treasurer; and in December 1858 they subscribed the further sum of $52,795 for the same purpose, making the total subscription $62,795. The subscribers on the December list gave notes for their respective subscriptions, which were deposited in the Bank of Montpelier, and the Vermont Bank, as security for advances by the banks to the State, and the total amount actually paid by citizens of Montpelier on the last subscription, for advances to the State and interest thereon, was $34,446.82, —making their actual contribution, in the two subscriptions, $44,446.82, exclusive of interest on the first $10,000 advanced.[2] The estimated cost of rebuilding, when the act of February 1857 was passed, was $45,785. The sum actually paid by Montpelier having approximated nearly to the estimate made when the bond was exacted of her citizens, the legislature, at the October session of 1859, assumed the payment of whatever was then due for the enlargement and furnishing of the State-House, and made an appropriation for that purpose.[3]

The third and present State-House in Montpelier is in the yard and occupies the site of the second house, and is of the same order of architecture—the portico, which is the most beautiful part of the exterior, being precisely the same. The length of the central building is, however, thirteen feet eight inches greater than that of the second house, and each of the wings were lengthened twelve feet six inches, thus ad-

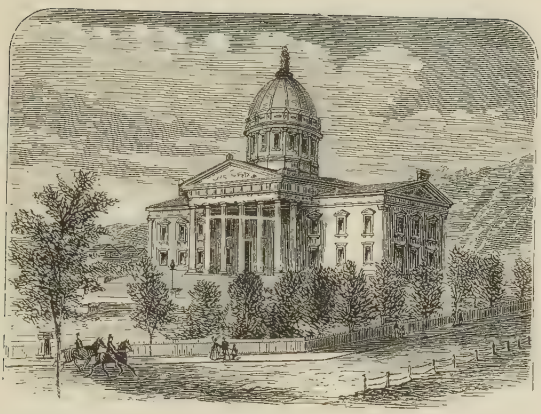
[1] *Vermont House Journal* for 1860, p. 382.

[2] From the subscription papers and accounts of the banks.

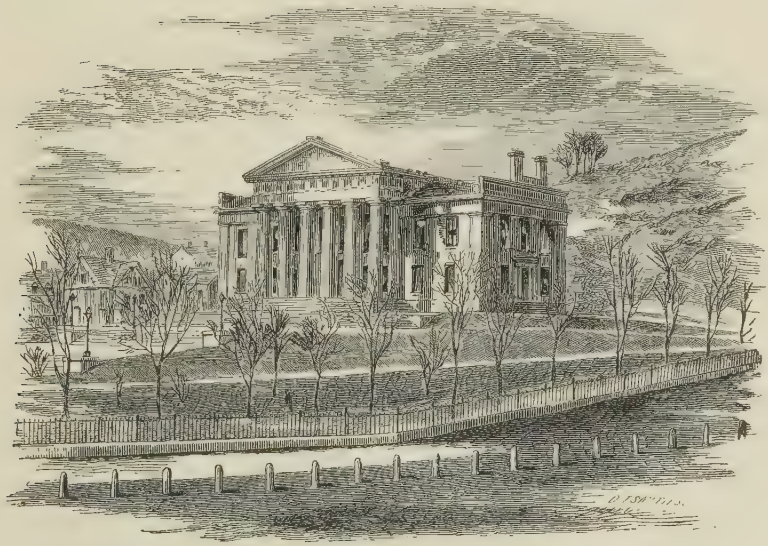
[3] *Vermont Capitol*, p. 103; and *Laws of* 1859, p. 6.

ding about one fourth to the commodiousness of the building without detracting from its beauty. There were other changes in the roof to each wing, and in the dome, which will sufficiently appear on comparing the engravings of the two buildings. Still greater changes were made in the interior, specially in construction to guard against fire, the apparatus for heating and lighting, and the furniture. As the building remains, and is likely to remain as long as it shall be required, a detailed description here is deemed unnecessary.[1] It is right to declare here, however, that at an expenditure far less than that of many other States for the same purpose, Vermont has a capitol which, for beauty of architecture, solidity of construction, and adaptation to the purposes of legislation, will bear comparison with any of the much more costly piles which have since been erected elsewhere for the same purposes.

[1] For details see *A Description of the State-Houses of Vermont*, printed in 1859; and the *Vermont Watchman & State Journal* of Oct. 21 1859.



THIRD AND PRESENT STATE HOUSE AT MONTPELIER.



THE SECOND STATE HOUSE AT MONTPELIER, AFTER THE FIRE.

APPENDIX D.

THE VERMONT STATE BANK—1806.

Established in 1806—ceased issuing Bills in 1812.

Except the issue by the State of bills of credit in 1781, to the amount of £25,155,[1] the issue of no paper money was authorized by Vermont until 1806, when an act was passed establishing the Vermont State Bank. The inconveniences and losses to the people of the State, by reason of a want both of specie and good paper, and an abundance of counterfeit money of both sorts, had been very great. Impelled by their necessities, a portion of the people petitioned the legislature for relief in 1786, and in response various measures were submitted to a vote of the people, and among them one was as to the issue of paper money, which was negatived by a vote of 2197 to 456.—See Vol. III, pp. 364–366, 371. This vote was small in proportion to the population of the State, but nevertheless it proved that a very large majority of the people were doubtful as to the expediency of incorporating banks, and no attempt was made until 1803, when the House passed bills for two banks, one at Windsor and one at Burlington, evidently aiming to accommodate the people on each side of the Green Mountains, and doubtless succeeding only by a combination of the friends of each of the proposed banks. The majority in the House was small, the vote being 93 to 83 on the Windsor bill,[2] while the Council non-concurred by a vote of 12 to 1, and assigned weighty reasons therefor[3]. When the reasons of the Council had been read, on motion of Lewis R. Morris the clerk was directed to enter them on the journal of the House, and both bills were referred to the next session.[4] No definite action was had in 1804, but in 1805 the House

[1] These bills were faithfully redeemed. See Vol. III, pp. 381–383.

[2] Printed *Assembly Journal* of 1803, p. 173.

[3] See Vol. III, pp. 389–391, for vote and reasons.

[4] Printed *Assembly Journal* of 1803, pp. 234–5.

again passed the Windsor bill, 108 to 76, and the Burlington bill 107 to 78; and the Governor and Council again non-concurred and assigned reasons therefor.[1] In the meantime Elihu Luce of Hartland had introduced into the House a bill for the establishment of a State Bank, which had been referred to the committee on banks, and after the non-concurrence in the Windsor and Burlington bank bills, this committee reported as follows:

The committee on banks, to whom was committed a bill entitled *An act establishing a state bank*, made report—that although the bill seems to be wholly inadequate to the object proposed, it is nevertheless expedient that the general assembly should go into such a consideration of the subject as shall lead to a thorough investigation of its principles, practicability and policy.

Which report was read and accepted; and on motion, the bill and report were referred to a committee of five, to join a committee from the Council, to report a bill on the subject. Members chosen, Messrs. White [John jr. of Georgia.] Crafts [Samuel C. of Craftsbury,] Chase [Dudley of Randolph,] Porter [Samuel of Dummerston,] and Bullock [Darius of Halifax.][2]

At the session of 1806 sundry petitions for the incorporation of banks were presented, and two propositions favorable to banks: one by Hon. Daniel Buck of Norwich, "that it is expedient to incorporate a bank within this State" in which "the state should be stockholders to a certain amount," which was disagreed to; and the other by Hon. Dudley Chase of Randolph, "that it is the sense of this house that the establishment of private banks within this state, the state reserving in such bank the right of filling up any number of shares, or at any time to assume the whole stock, will be useful to the people of this state," which was rejected by a vote of 93 to 91. Subsequently, Hon. Titus Hutchinson of Woodstock introduced a bill establishing a state bank, and on the 5th of November Woodstock and Burlington were selected as the locations of a bank with two branches, and the bill was passed, 128 to 41. Nov. 6, this bill was referred in Council to Lt. Gov. Paul Brigham, John White, and Nathaniel Niles, who reported on the 8th, and the bill was passed in concurrence with amendments—yeas 10, nays 2. The two houses agreed as to amendments, one of which located a branch at Middlebury instead of Burlington, and the bill became a law, as follows:[3]

AN ACT *establishing a State Bank.*

SEC. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is established a bank, to be called and known by the name of *The Vermont State Bank*, to consist of two

[1]Printed *Assembly Journal* of 1805, pp. 90, 110; and for reasons of Council see *ante*, p. 81.

[2]Same, pp. 48, 137. No report of this committee has been found.

[3]Printed *Assembly Journal* of 1806, pp. 110, 111, 186, 200, 220; and *ante*, p. 140, 142-3.

branches, the one at *Woodstock*, in the county of *Windsor*, and the other at *Middlebury*, in the county of *Addison*, and such other branches as the legislature of this state shall, from time to time, direct and establish. And all the stock in said bank, and all the profits arising therefrom, shall be the property of this state; and be under the sole direction and disposal of the legislature of this state forever.

Sec. 2. *And it is hereby further enacted*, That there shall be chosen annually, by ballot, by both branches of the legislature, in joint committee, thirteen suitable persons to be directors of said bank, who shall have power, when convened, to choose from among themselves one person to be president of said bank, who shall have and exercise all the power proper and necessary for a President of a bank. And the President and Directors of said bank, for the time being, and their successors forever, shall have power, by the name and stile of *The President and Directors of the Vermont State Bank*, to prosecute, for the benefit of this state, any action or suit, upon any contract, or for any cause which shall concern the said bank. And the said directors shall reside, six in the two eastern, and six in the two western districts of this state,[1] and the other where prudence may dictate. And they shall be commissioned by the Governor of this State annually. And a majority of them shall be a quorum to transact any business incumbent on them as directors of said bank.

Sec. 3. *And it is hereby further enacted*, That the directors who reside in said eastern districts shall be the directors of the branch established at said *Woodstock*, and the remainder thereof shall be the directors of the branch established at said *Middlebury*. And four of the directors of each branch shall be a quorum to act upon those matters which concern such branch only. *Provided*, That the President of said bank shall have a right to set [sit] equally, as one of the directors of each branch.

Sec. 4. *And it is hereby further enacted*, That the majority of all said directors, when met, shall also have power to appoint a cashier to each of said branches, also a clerk if necessary. And to make and establish such rules, with regard to the days and hours when said bank shall be open to transact business; and with regard to any other matter, for the well ordering of said bank, as they shall deem proper, and not repugnant to the Constitution, or any law of this state.

Sec. 5. *And it is hereby further enacted*, That the directors of each branch of said bank shall have discretionary power to borrow money from time to time, to fill the vaults of such branch, on the credit of such branch only. *Provided*, however, that they shall not give a greater interest than at the rate of six per cent. per annum.

Sec. 6. *And it is hereby further enacted*, That all bank bills issued by said bank shall be signed by the president thereof, and countersigned by the cashier of the branch at which said bills respectively shall be payable. And the directors of either branch shall not, at any time, issue or put in circulation bills to a greater amount than the actual sum of the deposit of silver, gold, and copper coins, in the vault of such branch, until the deposit shall amount to twenty-five thousand dollars; after which they may put in circulation bills to three times the amount of such deposit. *Provided*, said deposit shall not at any time exceed *three hundred thousand dollars*.

Sec. 7. *And it is hereby further enacted*, That there be, and hereby is appropriated a sum not exceeding five hundred dollars, which the Treasurer of this state is hereby directed to pay to said directors, for the purpose of procuring plates and paper, necessary for the use of said bank,

[1] Meaning Congressional districts.

in issuing bills as aforesaid. And after the same shall be procured, as aforesaid, the legislature may, from time to time, appropriate any monies, or sums of money, as they shall see fit, to fill the vaults of said branches of said bank, or of any other branches thereof, which said legislature may hereafter establish.

SEC. 8. *And it is hereby further enacted*, That each director of said bank shall, before he enters upon the duties of his office, give a bond, with four or more sureties, freeholders within this state, to the treasurer of this state, in the sum of *thirty thousand dollars*, for the faithful discharge of the duties of his office. And in like manner, each cashier, and clerk, of said bank, shall, before he enters on the duties of his office, give bonds to the treasurer of this state, in such sum, and with such sureties, as the directors appointing him shall from time to time require, having respect to the amount of stock in the vaults.

SEC. 9. *And it is hereby further enacted*, That each and every officer of said bank shall, before he enters upon the duties of his office, be sworn to the faithful performance of the duties of his office. And the Directors and other officers of said bank shall receive for their services, respectively, such sum as the legislature shall from time to time direct; and not in whole exceeding the whole profits of said bank for the first year, nor one half of said profits for any succeeding year.

SEC. 10. *And it is hereby further enacted*, That the President and Directors of said bank shall have full power to purchase, hold, and dispose of any property, real or personal, as the banking interest of this state shall dictate, and for the use of this state only. And a deed, signed, sealed and acknowledged, by a majority of all the said directors, and witnessed by two witnesses, and recorded in the proper office, shall be good to convey any real estate, accruing to this state, by means of said bank.

SEC. 11. *And it is hereby further enacted*, That the Directors of said bank shall, annually, report to the general assembly the situation of said bank, including the amount of the deposits, and of bills in circulation, on the first day of September next preceding. And the legislature may annually, if they think proper, appoint a committee not exceeding three in number, whose duty it shall be to inspect the situation of each branch of said bank, including the amount of deposits, and of the bills in circulation, and of all proceedings at each branch of said bank, and make report to the legislature.

Passed November 10th, 1806.

A true copy, Attest, THOMAS LEVERETT, *Secretary.*[1]

Nov. 10 1806, the first Directors of the bank were elected, to wit, David Robinson of Bennington, Apollos Austin of Orwell, Horatio Seymour, Daniel Chipman, and John Willard of Middlebury, William C. Harrington of Burlington, John Mattocks of Peacham, James Tarbox of Randolph, Titus Hutchinson and Benjamin Swan of Woodstock, Elias Lyman of Hartford, Alexander Campbell of Rockingham, and Mark Richards of Westminster. This list embraced men of wealth, most of whom were well tried and successful in business, and all having the confidence of the people of the State. The bank was organized with Titus Hutchinson as President; Job Lyman cashier and Charles Dana clerk of the Woodstock branch, William G. Hooker cashier and Adonijah Schuyler clerk of the Middlebury branch; and began to issue bills

[1] Printed *Laws of Vermont* of 1806, p. 164.

on the 23d of February 1807. The first report showed expenses adjusted $1570.35, unadjusted $730, and contingent expenses $350; there was allowed by the legislature, for compensation of officers, the further sum of $1881—making the total of expenses to Sept. 30 1807, $4531.35. Of this sum $500 had been paid by the State, leaving the sum of expenses to the bank $4031.35. The income of the bank by interest on loans, was $2753.27; and debts due $139,757.23. They closed their report as follows:

> The obstacles which were inseparable from an institution established on principles hitherto unattempted in the banking system, have been happily surmounted, and the practicability of those principles established. The high credit and extensive circulation of our bills, we trust are sufficient to inspire the public confidence, and to ensure a continuance of their patronage. Under the fostering care of the Legislature, we are induced to believe that this institution may become highly inducive to the convenience of the citizens, and a productive source of revenue to the State.[1]

The Legislature of 1807 passed "an act in addition to an act establishing the Vermont State Bank," in which the most important features were, a direction to the State Treasurer to deposit all the revenues of the State in the bank; and a provision subjecting the president and directors to be sued for any breach of contract, and directing the court rendering judgment to draw an order on the State Treasurer for the amount of the judgment. Another act established two additional branches, which were located at Burlington and Westminster; another making the bills of the bank receivable for a State Tax of one cent on each acre of taxable land in the State; and another prohibiting the bringing into the State any foreign bank bills for the purpose of loaning the same, forfeiting the same, and declaring void all contracts made for or on account of such bills.[2] The additional branches made a redistribution of the directors necessary, and Oliver Chapin of Brattleborough, Noah Chittenden of Jericho, and John Curtis of St. Albans were elected instead of David Robinson, Apollos Austin, and Benjamin Swan.[3] The succeeding directors were as follows: 1808, the list of the preceding year except Ebenezer T. Englesby of Burlington in place of Mr. Curtis, and Benjamin Swan of Woodstock in place of Mr. Mattocks; 1809, the same except Eleazer May of Westminster in place of Mr. Campbell, and Salmon Dutton jr. of Cavendish in place of Mr. Chapin; 1810, the same except Truman Chittenden of Williston in place of Noah Chittenden, and John Peck of Waterbury in place of Mr. Englesby; and 1811, the same except Pliny Smith of Orwell in place of Mr. Chipman, and Charles Rich of Shoreham in place of Mr. Willard. In 1812 the number was reduced to four, and in 1813 to three, whose functions were to

[1] Printed *Assembly Journal* of 1806, p. 228, and of 1807, p. 138.

[2] Printed *Laws* of 1807, pp. 108, 152, 153, 187, 190.

[3] Printed *Assembly Journal* of 1807, p. 273.

close the business of the bank, collect the debts due to it, and take care of the property. Ultimately the sale of lands recovered on the debts was committed to a single agent, and the closing of the bank after 1812 occupied about twenty-five years.

The bank had difficulties to contend with, in losses by the failure of banks in neighboring States, and the hostile legislation of at least one State;[1] and much more in the failure of its customers. The period from the commencement of the bank to its close was disastrous, embracing the embargo and non-intercourse acts, and the war of 1812, so it is a matter of surprise that a scheme, which was confessedly a novelty, was not seriously disastrous. To the people it was a benefit, in that it furnished a safer currency than the paper of private banks. This was due first to liberal legislation for the protection of the bank, and finally to prompt and vigorous measures to put an end to the experiment. Of the legislation to sustain the bank, subsequent to that already noted, were acts from 1809 until 1812, making the bills of the bank receivable for land taxes, and by the act of 1812 for state taxes also. In 1809, summary collection of debts due to the bank was authorized, the cashiers being empowered to issue an extent which had all the force of an execution, for the payment of any note three days past due.[2] In 1810, the bank was restrained from issuing bills to an amount exceeding twice the specie in bank, and from making any one loan exceeding $1000; a list of debtors in arrear was to be reported to the legislature; and if in arrear for eight months, the names were to be printed in some newspaper. The President of the bank was also required to inspect each branch annually, and in case of any mismanagement, he was to report the fact to the State Treasurer, who was to put the bond of the delinquent in suit;[3] and in 1811, all state and county officers were prohibited from receiving the bills of any private banks in the United States.[4]

In 1808, less than a year after the branch at Westminster had been put in operation, serious complaints concerning it were made to the Legislature, and not without reasons, as the report of an investigation shows.[5] In 1811, Samuel C. Crafts of Craftsbury, Elihu Luce of Hartland, and Robert Temple of Castleton were appointed a committee with full powers to examine the several branches previous to Dec. 1 1811, and again previous to Oct. 1 1812; to remove the Westminster branch to Woodstock, to be managed by the officers of that branch; and to put in suit the bonds of any of the officers of either branch. By the same act, no loans were to be made, or bills put in circulation, exceeding in

[1] See *ante*, p. 401; and printed *Assembly Journal* of 1810, pp. 145–147.

[2] Printed *Laws* of 1809, p. 119.

[3] Printed *Laws* of 1810, pp. 106, 158.

[4] Printed *Laws* of 1811, p. 114.

[5] For the report see printed *Assembly Journal* of 1808, p. 157.

amount double the sum of specie in bank; and the directors of the several branches were directed to press an indiscriminate collection of debts due.[1] Feb. 28 1812, the committee ordered the removal of the Westminster branch to Woodstock; and at the October session made a detailed report, indicating a probable failure of the Middlebury branch to redeem its bills and checks, but the probability that the profits of the other branches would more than make up the deficiency and leave a balance in favor of the State. The committee also reported that Daniel Chipman, John Willard, and Horatio Seymour, directors of the Middlebury branch, had forfeited their bonds, and also that these directors and the committee had agreed to refer that matter to the decision of a board to be appointed by the Legislature.[2] This report resulted in the following act to close the business of the bank.

AN ACT *in addition to an Act establishing a State Bank.*

SEC. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That instead of the thirteen Directors of the Vermont State Bank heretofore directed to be chosen by the act to which this is in addition, there shall be chosen by ballot, by both branches of the Legislature, in joint committee, at their present session, from [four] suitable persons to be directors of said bank, who shall have all the powers which the directors of said Bank now have by law, and may choose a President out of their own number.—*Provided*, That no bills shall be issued from said bank by way of loan, until further order of the legislature.[3]

SEC. 2. *And it is hereby further enacted*, That the committee [Samuel C. Crafts, Elihu Luce, and Robert Temple,] appointed by the Act of the last session of this legislature, entitled an Act in addition to the several Acts establishing and regulating the State Bank, are further empowered and hereby directed to remove the two branches of said Bank at Burlington and Middlebury, to the Bank at Woodstock, in the same manner and with the same power as the said committee were empowered and directed to remove the branch of said Bank at Westminster, to the Bank at Woodstock, by the act last mentioned.—And it shall be the duty of said committee, together with some one or more of the directors of said Bank to burn all the bills of the Vermont State Bank, in the several branches of said Bank, except what may be necessary to pay the checks due from said Bank.

SEC. 3. *And it is hereby further enacted*, That the President and Directors of the Vermont State Bank be and hereby are directed, with all due diligence, to collect in the most safe and speedy manner, all debts due to said Bank, and to sell the property belonging to said Bank, and to use all proper endeavors to close the concerns of said Bank, as soon as in their opinion the same can be done with advantage to this State.

SEC. 4. *And it is hereby further enacted*, That if any person holding any bills of said Bank, shall present the same to the Treasurer of this State, and shall elect so to exchange the same, the said Treasurer shall issue to such person, in lieu thereof, State notes, to be signed by the said Treasurer, for the amount of such bills, payable to such person or

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[1] Printed *Laws* of 1811, p. 114.

[2] Printed *Assembly Journal* of 1812, pp. 62–96.

[3] No order was ever given.

bearer, the one half in one year, and the other half in two years, with interest at the rate of six per cent. per annum. And if any person or persons, having any demand upon the Treasurer of this [State,] shall elect to receive such notes for the same, it shall be the duty of the Treasurer to issue to such person or persons, State notes, of the description aforesaid, to the amount of the sum due to such person or persons.

SEC. 5. *And it is hereby further enacted*, That the Bills of said Bank shall be received in payment of all demands due to any branch of said Bank.

Passed November 9th, 1812.

A true copy, *Attest*, THOMAS LEVERETT, *Secretary*.[1]

The committee discharged the duties imposed by the second section of the foregoing act, and at the next session reported that they had removed the Burlington branch Deccember 14 1812, and the Middlebury branch June 4 1813; and further, that having prosecuted the directors and other officers of the Middlebury branch, before the judges of the supreme court, who had been appointed commissioners for that purpose by act of Nov. 4 1812, they had obtained judgment in favor of the State and taken out an execution for the sum of $22,826.13.[2] They further reported as to the bills of the bank as follows:

Branches.	*Bills signed.*	*Bills destroyed.*	*Not destroyed.*
Burlington	$166,505.25	$154,861.00	$11,654.25
Middlebury	295,313.25	252,019.25	43,294.00
Westminster	200,773.00	191,714.00	9,059.00
Woodstock	234,280.50	228,159.50	6,121.00
Total	$896,872.00	$826,743.75	$70,128.25

Of the bills not destroyed, $3,606 were in bank, leaving $66,552.25 as the amount unredeemed, of which $38,141 were in the control of the State Treasurer and deposited by him in the bank.[3]

The annual reports of the condition of the bank, printed in the journals of the Assembly, were made in forms so different as not to admit of tabulation, but the amount of bills in circulation indicates the business of the bank, to wit:

1808,	$548,305.75	1810,	$211,835.00
1809,	404,599.50	1811,	94,932.50

In 1812, the whole amount unredeemed, embracing bills in bank, state treasury, and in circulation, was $74,301.75; 1813, $66,522.25, of which $38,141 were in the state treasury; 1814, $58,680, of which $42,555.25 were in the state treasury; and from year to year the redemptions proceeded until all the bills presented for payment were redeemed.

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[1] Printed *Laws* of 1812, p. 211.

[2] The execution was against the three directors, Chipman, Seymour, and Willard; who, by an act of Nov. 17 1813, were relieved from all but the sum of $1238.84.

[3] Printed *Assembly Journal* of 1813, pp. 56-59.

Zadock Thompson stated that "the loss to individuals in consequence of the failure of the institution was trifling, but the loss to the state was very considerable."[1] The editor of this volume is not apprised of any statement of the actual loss to the State, and from all that does appear in the reports, is of the opinion that the loss, whatever it may have been, was more than compensated in furnishing to the people a currency which was altogether superior to that which they would otherwise have had. They at least suffered very little in the depreciation of the bills of the State bank, and but for the intervention of speculators, would not have suffered at all, whereas, by the failures of private banks and bankers in the adjoining States, their losses were considerable.

The State Bank was succeeded by private banks from 1818 until the advent of the national banks, and with rare exceptions these were acceptable to the people and profitable to the stockholders—results due not only to the prudence and integrity of their managers, but for many years, by reason of a requisition of the State that their bills should be redeemed in Boston, thus giving to them a credit equal to that of the best banks in New England.

[1] *Thompson's Vermont*, Part II, p. 137.

APPENDIX E.

NORTHERN BOUNDARY LINE OF VERMONT.

In the executive speech of 1804, Gov. Tichenor invited the attention of the legislature to the boundary line between Vermont and Canada, stating that some of the inhabitants residing on the line were apprehensive that the boundary was not clearly defined, and that it was not distinctly known where the line ran.[1] These apprehensions were due, in part at least, to the statement of William Coit of Burlington, in 1796, on the authority of deputy surveyor Collins of the province of Canada, that the line verged south of the true forty-fifth degree of north latitude, and thus embraced within the jurisdiction of Canada a considerable tract of land which rightfully belonged to Vermont.[2] In consequence of the representations made to him, Gov. Tichenor addressed Gen. Philip Schuyler, who had been one of the commissioners of New York in 1766 for the purpose of ascertaining where the parallel of forty-five degrees of north latitude intersected Lake Champlain; and in reply the General wrote the following:

General Philip Schuyler to Gov. Tichenor.

ALBANY, October 5, 1804.

Sir,—The letter which your Excellency did me the honor to write, was delivered me yesterday. The boundary line between Canada and the late colony of New York, and the then eastern colonies, was established by the present King of Great Britain [George the third,] in Council, I think, in October 1763, and communicated to the then Governors of Canada and New York respectively. These gentlemen agreed to meet at Isle-la-Motte, on Lake Champlain, on a fixed day in the month of September 1766, accompanied with proper persons to ascertain where the parallel of forty-five degrees of north latitude would intersect that Lake. Accordingly Governor Sir Henry Moore, attended by Mr. Harper, then Professor of Mathematics in the college at New-York, and myself; on the part of Canada, Lieutenant Governor Ervin, then commanding the civil department of that province, attended by Mr. Collins, the Surveyor-General thereof, and the Marquis de Laboneer, a French or Canadian Engineer, met at the designated time and place. After having made several solar and stellar observations, the point of

[1] *Ante*, p. 387.

[2] See Vol. IV, p. 115, note 2.

intersection on Lake-Champlain was unanimously determined, and a monument erected.

The very swampy ground from the intersection of the parallel on the west bank of the Lake not permitting an extension of the boundary line to the river St. Lawrence, the parallel was only extended eastward to Missisque-Bay, and the line marked. But the two Governors agreed to appoint each a proper person, and that the persons so to be appointed should continue the parallel westward to the river St. Lawrence, and eastward to Connecticut river. On the part of New York a Mr. Valentine was the surveyor; I am not informed who was authorized on the part of Canada.[1] The parallel was however carried to the river St. Lawrence; but Mr. Valentine dying soon after, I believe the eastern direction was not even attempted during his lifetime; whether it was subsequently run by agents authorized by the two governments, I know not; I am rather inclined to think it was not; as Sir Henry Moore, whilst on Lake-Champlain, had requested me to recommend a proper person for the survey, and Mr. Valentine was appointed in consequence of my recommendation, and it is probable I would have been consulted if a second appointment had been made.

I believe all the papers relative to the transaction in question are filed in the Secretary's office of this State, or with the papers of the Council of the late colony; if so, those relative to the extension of the boundary line to Connecticut river, if ever accomplished, will be found with them.[2] It is probable that I have preserved the minutes I made of the transactions on Lake-Champlain; but being confined to my bed from an inflammation in my feet, I cannot now have recourse to my papers—when I can, if I find any documents, worthy of communication, they shall be transmitted. I am, Sir, with great respect and esteem, your Excellency's most obedient servant. PH. SCHUYLER.

His excellency the Governor of the State of Vermont.

The foregoing letter was referred to James Fisk, William C. Harrington, Samuel Shaw, Pascal P. Enos, and Elias Buel, to whom Nathaniel Niles was joined from Council, who on the 8th of November reported the following, which was adopted by the Assembly:

Resolved, That his Excellency the Governor be requested to transmit to the executive of the United States all the information of which he is

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[1] It has been stated that Collins and Valentine surveyed the line in 1771, '2 '3 and '4.—See Vol. IV, p. 116.

[2] In *Documents relating to the Colonial History of the State of New York*, vols. VII and VIII, the papers on this subject will be found. Letters of Gov. Moore of New York show that Gen. Carleton, then recently appointed Lieutenant Governor of Canada and afterward made Lord Dorchester, was present when the line was "fixed in the River Sorell about two miles and a half below [north of] Windmill Point, so that no part of Lake Champlain is included in the Province of Quebec, except a small portion of the Missiscoui Bay."—*Gov. Moore to the Earl of Shelburne*, Nov. 8 1766. The boundary then ascertained and agreed upon, by Gov. Moore of New York and Lieut. Gov. Carleton of Canada, was approved by an order of the King in Council Aug. 12 1768.

or shall be availed, respecting the northern boundary of this state, and to solicit an ascertainment of said boundary.[1]

In the executive speech of 1805, Gov. Tichenor said that he had strictly attended to the business thus entrusted to him, and would make it the subject of a future message. Accordingly, on the 1st of November he sent in a communication on the subject, which is not embraced in the journal, for the reason, as the Clerk stated, that it was by accident mislaid and not returned to him. It was referred to Lewis R. Morris, Nathaniel Chipman, and Asa Lyon, who reported the following act, passed Nov. 8 1805:

AN ACT empowering the Governor of this state to ascertain the Northern Boundary of this state.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That the Governor of this state for the time being be and he hereby is authorised and empowered to employ some person of competent knowledge, together with such assistants as he may deem necessary, to ascertain by celestial observation where the forty-fifth degree of north latitude crosses Lake Memphrimagog, and where the same intersects Connecticut-River, and how far a parallel of latitude extended east and west from said points will deviate from the present boundary line.

SEC. 2. *And it is hereby further enacted*, That, for the purposes aforesaid, there be and there is hereby appropriated a sum not exceeding three hundred dollars; and the treasurer is hereby directed to pay the same, or any part thereof, to the order of the Governor.[2]

Under this act, Gov. Tichenor appointed Rev. SAMUEL WILLIAMS, LL.D. of Rutland, to perform the work assigned, whose report was communicated to the Assembly in 1806, as follows:

RUTLAND, June 28th, 1806.

Sir,—In conformity to your excellency's commission and instructions of April 25th, I have examined the latitude of the northern line of this state, at the original monument on Connecticut River, and at Lake Memphramagog.

By a course of astronomical observations, which were carefully taken, I found the latitude of the monument on Connecticut River to be 44 deg. 47 min. 59 sec. Reduced to miles on the surface of the earth, the difference between this latitude and that of forty-five degrees, will amount to thirteen miles, three quarters, and fifty-four rods. So much further north, ought the northern boundary of this state to have been, at Connecticut River.

By a similar course of observations at Lake Memphramagog, I found the latitude of the monument at that place to be 44 deg. 53 min. 46 sec. Reduced to miles on the surface of the earth, this will amount to seven miles and seventy-one rods. So much further north ought our northern boundary line to have been at this place.

If it be admitted that the monument at Lake Champlain is fixed in the latitude of forty-five degrees, the quantity of land lost to this state, by the error in running this line, will amount to seventeen townships, and

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[1] Printed *Assembly Journal* of 1804, pp. 42, 44, 363.

[2] Printed *Assembly Journal* of 1805, pp. 13, 129, 133; and *Acts of* 1805, p. 242.

forty-four hundredths of a township. The direction of Connecticut River, at the upper part of this state, is from the north east; on this account one or two more townships would accrue to this state, if the north line of it was run on the line of forty-five degrees and continued till it intersected Connecticut River. A particular account of the observations and calculations which I made at those places, with a map containing the result, is enclosed for your excellency's more particular examination.

The instrument which would have been proper to make such observations, is an astronomical quadrant, or sector. I took much pains to procure an instrument of this kind, but could not find any such instrument in this state. There was no way but to construct one of the kind; and it was because I had been accustomed to such kind of instruments and observations, that I was able to complete the business.

I think it my duty respectfully to state to your excellency, that if in the prosecution of this business the event should be, that the divisional line between Vermont and the adjacent part of the province of Canada is to be marked and run out by agents from each government, it will be indispensably necessary that this state should be provided with an astronomical quadrant that will admit of the most minute accuracy in making the necessary observations.

I inclose an account of the expences attending the business.[1] From the observations which have been mentioned it appears, either that our northern line is not run in a strait [straight] direction, or that the monument at lake Champlain is not placed in the latitude of forty-five degrees. I should have gone to the monument at that place and observed its situation, but neither my commission nor the act of the Assembly invested me with any discretionary power in that respect. With much respect, I am your excellency's most obedient and humble servant,

SAMUEL WILLIAMS.

His excellency Governor Tichenor.

The foregoing report was referred to Titus Hutchinson, Abel Spencer, Caleb Hendee jr., Arad Hunt, and Dudley Chase, and Nathaniel Niles and Samuel Shepardson were joined from Council, who reported the following resolution, which was adopted:

IN GENERAL ASSEMBLY, Oct. 18, 1806.

Resolved, That the General Assembly do hereby request the Governor and Council to transmit to the President of the United States information of the measures directed and taken by this government to ascertain the northern boundary of this State, and the result of the observations made for that purpose; and request the General Government to take proper measures to ascertain and fix the northern line of this State. And also that they transmit to the Governor of New York the like information, that the government of New York may co-operate with this State in the same object, if they should deem it worthy of their attention.[2]

Discussion ensued between the governments of the United States and Great Britain, which was interrupted by the war of 1812–1814; but by the fifth article of the treaty of Ghent, Dec. 24 1814, it was provided that two commissioners should be charged with fixing the boundaries

[1] The cost of the examination was $299.28.

[2] Printed *Assembly Journal* of 1806, pp. 26, 73, 96.

from the northwest angle of Nova Scotia to the Iroquois or Cataraquy [St. Lawrence,] "particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper." Under that treaty three distinguished Vermonters were employed, to wit: William C. Bradley of Westminster as U. S. agent, Cornelius P. Van Ness of Burlington as U. S. Commissioner, and Alden Partridge of Norwich as Principal of the exploring survey.[1] This attempt to settle the boundary failed. Oct. 14 1821, Mr. Bradley reported that the Commissioners of the two nations differed as to the northwest angle of Nova Scotia and the northwesternmost head of Connecticut River; and Nov. 21 1821, Mr. Van Ness reported that the Commissioners disagreed upon the most important points. It was provided by the treaty of Ghent that in case of such disagreement, the matter should be referred to a friendly power for decision, but in the message of December 1823, President Monroe stated that, in lieu of arbitration, the United States had proposed and Great Britain had agreed to attempt to settle the matter by amicable negotiation; and it was settled as to Vermont, in the treaty of Washington of Aug. 9 1842, by adopting the original Valentine and Collins line—that is, the forty-fifth degree of latitude as agreed to by Governors Moore and Carleton in 1766. The commissioners, who were appointed to ascertain and mark that line, reported that it "is generally about half a mile north of the true parallel of latitude 45°, from Hall's stream [Canaan, Vt.] to Rouse's Point;" and Zadock Thompson stated that from observations made in 1818, under the treaty of Ghent, it appeared that "the 45th parallel lies a little to the southward of the line previously established, but it is not yet [1853] finally settled." The true line of latitude 45°, from the two latest surveys, seems to be a little south of the boundary line agreed upon by the treaty of Washington; but against these are the authority of Valentine and Collins in 1771—1774, and of Dr. Williams in 1806; so the question is still unsettled, and that fact is the reason for recording the history of the matter in this volume.[2]

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[1] At the time of his assignment for this service, Capt. Partridge was Superintendent of the U. S. Military Academy at West Point. Ferdinand Rudolph Hassler, formerly professor at West Point and afterward of the Coast Survey, was associated with Capt. Partridge and took the observations on the line 45° in 1818.

[2] *Public Treaties of the United States*, edition of 1875, pp. 289, 316; Drake's *Dictionary of American Biography; American State Papers, Foreign Relations*, Vol. 5, p. 139; *Annals of Congress*, 18th Cong. 1st Session, p. 14; and *Thompson's Vermont*, edition of 1853, Part 1, p. 2.

APPENDIX F.

ADDRESSES OF THE LEGISLATURE OF VERMONT TO THE PRESIDENT OF THE UNITED STATES, AND REPLIES.

To President Jefferson.—1806.

Nov. 1 1806, on motion of Charles Rich, Messrs. Rich, Dudley Chase, and James A. Potter were appointed "to draft an address from the General Assembly to the President of the United States, expressive of the sense which the house entertain of his important services, and to assure him of their cordial support." The committee reported an address, which was evidently intended to urge Mr. Jefferson to stand as a candidate for a third term, and it is therefore remarkable that the Federalists in the Assembly made no opposition to it.

To Thomas Jefferson, President of the United States.

Sir,—Permit the General Assembly of the State of Vermont to avail themselves of the opportunity, presented by their annual meeting, to express to you the satisfaction they derive from the encreasing prosperity of our common country.

Remote as we are placed from the seat of government, we have observed with anxious solicitude the measures adopted by the public functionaries to secure and promote the interests of the union. We have seen the diminution of taxes, the extension of territory, the increase of population, the due regulation of the judicial and military systems, the security of peace abroad and at home, with sentiments of sincere approbation. We learn that in these sentiments our sister States have almost unanimously coincided, and that, despising the struggles of faction and the whispers of slander, the public opinion has ripened from the first grade of favorable expectation into bold and general applause. The eminent degree in which you have contributed, by the patriotic discharge of your official duties, to call forth these sentiments, has not escaped us. Adulation is the language of slaves, but a just, a free and independent people, who have seen and escaped the attempted subversion of their liberties, will never hesitate to anticipate the voice of history and posterity, when gratitude demands it.

We will not, Sir, conceal our regret, arising from rumors which have reached us, calculated to excite the belief that it is your wish to with-

draw from the public service at the close of the period for which you were last elected chief magistrate of the Union. We venture to hope that the insinuation is unauthorized, and to express a wish, that in the full possession of faculty and talent, you will not refuse the citizens the benefits arising from long political experience, and deprive them of the full opportunity of exercising their choice and judgment in selecting their President from the whole number of the people.

In pursuing and completing the measures so happily begun, in encouraging the industry and protecting the rights of the citizen, in promoting the happiness of the people, and supporting the dignity of the government, we with confidence assure you of our most cordial support. And relying on that divine being who holds in his hand the destiny of empires, we trust we shall be so directed as to long exist a peaceful, prosperous and happy nation.

AARON LELAND, *Speaker of the House of Representatives.*[1]

Reply of President Jefferson.[2]

DECEMBER 10, 1807.

To the Legislature of Vermont.—I received in due season the *address* of the Legislature of Vermont, bearing date the 5th of November 1806, in which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again, to the public voice, on the expiration of my present term of office. Entertaining, as I do, for the legislature of Vermont those sentiments of high respect which would have prompted an immediate answer, I was certain, nevertheless, they would approve a delay which had for its object to avoid a premature agitation of the public mind, on a subject so interesting as the election of a chief magistrate.

That I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of a chief magistrate be not fixed by the constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Truth, also, requires me to add, that I am sensible of that decline which advancing years brings on; and feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive and obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age.

For the approbation which the legislature of Vermont has been pleased to express of the principles and measures pursued in the management of their affairs, I am sincerely thankful; and should I be so fortunate as to carry into retirement the equal approbation and good will of my fellow-citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished.

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[1] Printed *Assembly Journal* of 1806, pp. 175, 198.

[2] *Jefferson's Complete Works*, Vol. 8, p. 121.

The editor of Jefferson's works states that other state legislatures addressed Mr. Jefferson in approval, following Vermont, to all which answers like that sent to Vermont were returned. Vermont seems therefore to have taken the lead in this matter.

To President Jefferson—1807.

Oct. 27 1807, William C. Bradley, on leave, introduced in the Assembly a resolution raising a committee to report resolutions, or an address to the President, expressive of the sentiments of both houses and of the people of the State respecting the conduct of British naval officers in searching American ships, impressing American seamen, and particularly in the attack on the American frigate Chesapeake. The resolution was adopted, and Messrs. Bradley, Abel Spencer, and Henry Olin were appointed the committee, to whom the Council joined Nathaniel Niles. Nov. 4, this committee reported resolutions to the Assembly, which were read and adopted by yeas 169 to nay 1;[1]—and on the 6th of Nov. they were returned from Council concurred in, though the concurrence was not entered on the journal of that body.

The resolutions were in an unusual form, and more emphatic for that reason, as follows:

WE, the Governor, Council, and House of Representatives, of the State of Vermont, viewing with indignation and abhorrence the violent and unjustifiable conduct of the cruizers of his Britannic Majesty, in the impressment and murder of American citizens, and the plunder of their property upon the high seas, and even in the very entrance of our harbors, and more especially in the late hostile attack, made with circumstances of unparalleled malignity upon the American national Frigate Chesapeake by the British ship of war Leopard,

DO RESOLVE, That, at this awful crisis, when our national honor and independence are insulted by a nation with whom we, forgetful of former injuries, have not only endeavored to cultivate harmony by preserving a strict and perfect neutrality, but, to conciliate their friendship by every act of benevolence, humanity and assistance, compatible with the justice due to ourselves and others, it is the duty of every American to rally around the constituted authorities of his country, and to support them with his life and fortune in resisting any encroachments on our national and individual rights by any foreign power whatever, and in procuring redress for the many injuries we have sustained, and which our patient and friendly forbearance has suffered too long; injuries committed in a manner unusually barbarous, and calculated to fix an indelible disgrace upon the British character.

And it is further Resolved, That we do accord our warmest admiration to the measures adopted by the President of the United States on this trying occasion, and that we have the most perfect confidence in his wisdom, integrity, and ability, to so direct the energies of the government as to preserve our honor as a nation free from taint or reproach, and our liberties as individuals secure from violation.

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[1] Stephen House of Enosburgh.

And we do further for ourselves and our constituents declare that, fearless of the dangers to [which] we may be exposed as a frontier state, we shall be ever ready to obey the call of our common country, whenever it shall be necessary either for the purposes of redress or vengeance.

And Resolved, That a copy of the foregoing Resolutions be made and immediately transmitted to the President of the *United States.*[1]

Reply of President Jefferson.[2]

WASHINGTON, Dec. 1, 1807.

Sir,—The Secretary of State has communicated to me your letter to him of the 14th of Nov. covering the resolutions of the general assembly of Vermont of the 4th of the same month.

The sentiments expressed by the general assembly of Vermont on the late hostile attack on the Chesapeake by the Leopard ship of war, as well as on other violations of our maritime and territorial rights, are worthy of their known patriotism; and their readiness to rally round the constituted authorities of their country, and to support its rights with their lives and fortunes, is the more honorable to them as exposed by their position in front of the contest. The issue of the present misunderstandings cannot now be foreseen, but the measures adopted for their settlement have been sincerely directed to maintain the rights, the honor, and the peace of our country: and the approbation of them expressed by the general assembly of Vermont is to me a confirmation of their correctness.

The confidence they are pleased to declare in my personal care of the public interests, is highly gratifying to me, and gives a new claim to everything which zeal can effect for their service.

I beg leave to tender to the general assembly of Vermont, and to yourself the assurances of my high consideration and respect.

TH : JEFFERSON.

His Excellency Gov. Smith.

TO PRESIDENT MADISON—1809.

Oct. 19 1809, James Fisk,[3] then of Barre, introduced in the Assembly

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[1] Printed *Assembly Journal* of 1807, pp. 115, 228-230.

[2] *Jefferson's Complete Works*, Vol. 8, p. 120.

[3] JAMES FISK, born about 1762, [probably in Worcester County, Mass.] was self-educated, chose the law for his profession, and distinguished himself both as a lawyer and democratic politician. He represented Barre in the General Assembly 1800 until 1805, 1809 and '10, and 1815, and as Delegate in the Constitutional Convention of 1814; was Judge of Orange County Court 1802 and 1809, and of the Supreme Court 1815 and '16; Representative in Congress March 1805 to March 1809, and 1811 to 1815, and United States Senator in 1817 and '18, resigning that post to accept the Collectorship for the district of Vermont, which he held eight years. President Madison appointed him Judge of the Territory of Indiana in 1812, but he declined the office. He died in Swan-

a resolution for a committee to draft an address to the President of the United States "expressive of the sense of this house of the injuries and indignities offered to our neutral and national rights by foreign nations, and assuring him of the willingness and determination of the freemen of this State to support with their lives and fortunes the government of the United States in such measures as it may find necessary to adopt to redress our national injuries and maintain our rights." The resolution was adopted, and Messrs. Fisk, William A. Griswold, and Uriel C. Hatch were appointed the committee. Oct. 26, the address was reported, and on the 31st adopted, yeas 118, nays 71, as follows:

To James Madison, Esq., President of the United States.

Sir,—On your being invited to the highest office in the gift of a great and happy nation, by a large majority of the unbiassed suffrages of a free and independent people, the General Assembly of the State of Vermont avail themselves of the earliest opportunity to express their high satisfaction at your elevation, which results from a full confidence in your long tried wisdom and integrity, as well as for that uniform zeal and attachment which you have invariably manifested to promote the best interests of your country.

With peculiar gratification we reflect, that a person is advanced to the presidential chair, who has long been associated with the illustrious Jefferson and his copatriots, and whose useful labors have tended to advance the honor, maintain the rights, and secure the peace and happiness of our common country. The wise, prudent and impartial measures of your predecessor, aided by your faithful co-operation, have, under the blessing of Divine Providence, long preserved this highly favored nation from all those fatal evils which have for so many years spread misery, devastation and death throughout devoted Europe.

It is a truth, however melancholy the reflection, that a disgraceful spirit of opposition and insubordination to the laws of the general government, has been excited and fomented in some parts of the Union, and by those who have long claimed the exclusive confidence of the people, but it is equally true that notwithstanding the inflammatory addresses, protests, and resolutions, presented to the public, together with the combined influence of foreign intrigue and domestic treachery,[1] a spirit

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ton Dec. 1 1844. A few years before his death he visited the late Hon. Timothy Merrill of Montpelier, and for an evening the editor of this volume was much interested in listening to Judge Fisk's reminiscences of public men and events of his time. On that occasion, or from some other source, the writer learned that the Postmaster Generalship was once tendered to him. In his form, the vigor of his intellect and the brilliancy of his eyes, he much resembled Aaron Burr at the same age.

[1] John Henry, the emissary of Sir James Craig, Governor-General of Canada, had visited Vermont and other New England States in the preceding winter, but the authors of this address could have had no accurate knowledge of his business, as that was not publicly revealed until 1812. Henry was, however, well known in Vermont as a rampant Federal politician, and was suspected as a British agent.—See *Appendix H.*

of returning patriotism and of union has lately dawned upon us, from which we anticipate the most happy effects, both at home and abroad.

The embarrassed state of our foreign relations has been and still is productive of the most serious evils to the commercial and agricultural interests of this country. The belligerent powers of Europe, under a color of retaliating upon one another, have issued and enforced orders and decrees aimed at the entire destruction of our lawful commerce, the insulting pretensions and injurious effects of which too plainly shew that lawless plunder, stimulated by unprincipled avarice and a thirst for universal dominion, are the governing objects.

The visionary blockade of almost a whole continent, the order forbidding neutrals to trade from one port to another of an enemy, the destruction of our vessels on the high seas by fire, and the total interdiction of our lawful commerce, except on the conditions of tribute and submission to the mandates of a foreign power, are hostile to the spirit, and opposed to every ingenuous and patriotic feeling which inspires a nation of freemen. Yet these are not all, nor even the greatest injuries we have received. Orders have been issued apparently designed to excite our citizens to insurrection, and acts of disobedience to the government and laws of this country. Our seamen, not only on the common highway of nations, but also in sight of our own shores, after long and dangerous voyages, and in momentary expectation of treading their native soil among their families and friends, have been impressed, torn from everything they held dear, and forced into an ignominious servitude on board of foreign ships of war.

Our territorial jurisdiction has been violated, the hospitality of our ports and harbors abused, our citizens murdered whilst in the peaceable pursuit of domestic concerns, our national flag insulted, the blood of our seamen wantonly shed, and the perpetrators of these horrible acts have been secured and protected from punishment by mock trials, or in some instances by an exemption from trial; and as a further reward for such deeds, have enjoyed the smiles and received the promotions from that very government under whose authority they acted, while it hypocritically pretended to disavow the deed; nor has any reparation been yet tendered, except on terms more humiliating than the outrages themselves. And while they adhere to the tenor of their proclamation of the 16th day of October, 1807, little hopes are entertained that they will be disposed to enter into suitable arrangements to redress such aggravated evils.

These accumulated injuries and unprovoked aggressions upon national rights are not however without their beneficial effects, for they have at last awakened the great majority of the American people to a just sense of their true interests, and excited a laudable spirit of ambition throughout the Union to promote the establishment of domestic manufactures and other internal improvements, which under the fostering care and guardianship of an enlightened government will in the end render us in a great measure independent of the old world.

The people of Vermont, though almost wholly devoted to agricultural pursuits, during our late and present commercial embarrassments felt a common interest with her sister States, and have long and anxiously waited in the hope that the strict and impartial neutrality maintained by the general government towards all nations, the just and reasonable offers of accommodation it has repeatedly made, would have before this brought the offending nations to a sense of justice, and created a disposition to restore to us the peaceable enjoyment of our national rights: but in this they have been disappointed, and with extreme concern behold the most friendly, just and pacific overtures treated with silent

contempt by one nation, and by another with what (if possible) is still worse, faithless, delusive propositions and arrangements, calculated solely to weaken the hands of government and to defeat those wise precautionary measures adopted to obtain a redress of wrongs.

Surely there is a point among nations as well as individuals, beyond which longer forbearance would become criminal, and honorable and manly resistance our indispensable duty; and we view the freedom of commerce upon the ocean, when pursued conformable to the established law of nations, the restoration of our impressed seamen, exemption and security against further impressment, among those rights which ought not to be surrendered but with our national existence.

While impressed with these weighty considerations, we can discover no just cause for despondency or alarm, and we are strengthened in this opinion from the pleasing reflection that the path of our present political pilot is lighted by the most illustrious examples of virtue and patriotism which have gone before him, and that the same principles which inspired the sages and heroes of the revolution will continue to guide the policy of our present administration; and if honorable adjustments cannot be made, however reluctant we may be to hazard our fortunes upon the warring elements, yet rather than relinquish any of our sacred rights, or should justice be longer unreasonably denied us, we confidently assure you, that we will rally round the standard of government, cheerfully obey the first call of our Country, and unite with them in the last solemn appeal to nations, relying and trusting in that Almighty Being who directs and controls the destinies of the world, to guide us to a favorable issue.

DUDLEY CHASE,
Speaker of the House of Representatives.[1]

Reply of President Madison.[2]

To the General Assembly of the State of Vermont.—I have received the address of the General Assembly transmitted to me on the 15th ult. with the impressions which ought to be made by the sentiments expressed in it.

Conscious as I am, how much I owe the high trust with which I am invested, to a partiality in my fellow citizens which overrated my qualifications, I am compelled to mingle my regret that these are not more adequate, with the gratification afforded by the confidence of so respectable a body; and by the tribute which is so justly paid to the success of my illustrious predecessor, under the blessing of Divine Providence in preserving our nation from the wars by which Europe has been so long and so dreadfully afflicted.

Such, nevertheless, has been the extraordinary character of those wars, that it was not possible for the councils of our government, however prudent and pacific, to avoid a participation in the injuries which have been extended to those not parties to them. The United States still experience these unprovoked aggressions; and with the recent addition of circumstances admonishing them to be prepared against more hostile fruits of the reigning policy.

In this conjuncture, it is to be lamented, that any difference of opinion should prevail, with respect to the measures best suited to it, and more particularly, that any measures actually adopted should have been opposed in modes calculated to embolden foreign hopes and experiment,

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[1] Printed *Assembly Journal* of 1809, pp. 42, 68, 96.

[2] *Vermont Centinel* of Feb. 16, 1810.

by presenting appearances of internal divisions and weakness. The full strength of every nation requires an union of its citizens. To a government like ours, this truth is peculiarly applicable. If its importance has not heretofore been sufficiently felt on occasions which seemed to demand it, we shall not, I trust, be disappointed of the satisfaction promised by the dawn of a more universal support of the constituted authorities, in the measures for maintaining the national honor and rights.

In this view, the sentiments which animate the Legislature of Vermont are entitled to the warmest commendation ; which I sincerely tender, with assurances of my friendly respects and high consideration.

JAMES MADISON.

The Hon. Dudley Chase, Speaker of the House of Representatives of Vermont.

Washington, Dec. 26, 1809.

DECLARATION OF THE LEGISLATURE TO PRESIDENT MADISON—1812.

Oct. 13 1812, Charles Rich [1] of Shoreham, introduced into the House the following resolution:

We the representatives of the people of Vermont, believing that in times like these in which we now live, it is both proper and necessary that our sentiments should be known to our sister states and the general government, do hereby adopt the following resolution:

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[1] CHARLES RICH, son of Thomas Rich, was born in Warwick, Mass., Sept. 13 1771, came to Shoreham in 1787, having made the journey on foot. At the age of twenty he was married, and house-keeping was commenced with "one cow, one pair of two-year-old steers, six sheep, one bed, and a few articles of household furniture, all of which were valued at sixty-six dollars, and about forty-five acres of land, given him by his father and valued at two hundred dollars." From this modest beginning, by industry, integrity, and prudence he became a wealthy man. But he was most widely known as a valuable servant of the public, and he became such from even a smaller capital than that which was the foundation of his wealth. He attended school only three months, at the age of fifteen, but he was studious in all his leisure hours, early habituated himself to the habit of writing his thoughts, and cultivated his taste by reading Addison's Spectator, of which he was very fond. Thus self-schooled, he became speedily known as a man of much more than ordinary intelligence, and was often called upon to deliver fourth of July orations. At twenty-nine he was elected town representative, and received twelve elections to that office; he was a delegate in the Constitutional Convention of 1814; one of the judges of Addison County Court for six years; and elected a representative in Congress five terms, 1813–15, and 1817–25, but died Oct. 16 1824, before his last term had expired.—*History of the town of Shoreham;* Deming's *Catalogue;* and *Vermont Legislative Directory*, 1876–77.

Resolved, That the constituted authorities of our country having declared war between the United States and Great Britain and her dependencies, it is our duty as citizens to support the measure, otherwise we should identify ourselves with the enemy with no other distinction than that of locality. We therefore pledge ourselves to each other, and to our government, that with our individual exertions, our examples, and influence, we will support our government and country in the present contest, and rely on the Great Arbiter of Events for a favorable result.

The Federalists disliked the form of this resolution, and Daniel Chipman moved the following as a substitute:

We the representatives of the people of Vermont, believing the present crisis to be such that our sentiments ought to be distinctly known both to our sister states, the general government, and the world, do therefore adopt the following resolution:

Resolved, That the constituted authorities of our country having declared war against the united kingdoms of Great Britain and Ireland, and her dependencies, whatever may be our opinions as to the wisdom and expediency of the measure, it is our duty, as good citizens, to submit, to support our own government at every hazard, to obey the constitutional calls of our country, and to rely on the great arbiter of events for a favorable result.

This was rejected, 129 to 80. Joel Green of Brandon then submitted a similar substitute, omitting "whatever may be our opinions," &c., which was also rejected, 130 to 73, when Mr. Rich's resolution was adopted, 128 to 79. The Governor and Council having concurred in the original resolution, it was resolved that Mr. Rich request his excellency the Governor to forward a copy of the resolution to the President of the United States. For reasons of the dissenters to the resolution of Mr. Rich, see printed *Assembly Journal* of 1812, p. 178.

Nov. 2 1812, Amos W. Barnum of Vergennes introduced a resolution on the same subject, and on the next day Henry Olin of Leicester moved the following substitute, which was adopted, 116 to 40:

Resolved, That this assembly have the fullest confidence that the constituted authorities will at all times be anxious to bring the said war to a close, when it can be done consistently with the honor and interest of our country.

2. *Resolved*, That although this assembly deem it their duty to give to the general government every aid in their power in the prosecution of the present just and necessary war, yet they will with pleasure hail the happy day when the war shall be brought to an honorable conclusion.[1]

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[1] Printed *Assembly Journal* of 1812, pp. 39, 50, 51, 102, 175, 179.

APPENDIX G.

THE STATE-PRISON.

Sec. thirty-five of chapter two of the first constitution was as follows:

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary, houses ought to be provided for punishing, by hard labor, those who shall be convicted of crimes not capital, wherein the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons; and all persons, at proper times, should be admitted to see the prisoners at their labor.[1]

Nevertheless, for more than thirty years, and until the State-Prison was put in operation in 1809, nothing corresponding to this section was done except to provide in certain cases that persons might be "disposed of to service." In the mean time the punishments of criminals were whipping, confinement in the stocks, branding, confiscation of property, banishment, and fines followed by imprisonment in the common jails for non-payment.[2] The principal reasons which occasioned this long delay were doubtless the inexpediency of incurring a large expenditure while the population of the State was sparse and unable to bear a heavy tax, and the difficulty of finding a location where remunerative labor could be expected. The subject was frequently considered, however, from 1793 until 1803, when Gov. Tichenor presented strong reasons for a State-Prison, which resulted in an act, passed at the adjourned session, Jan. 31 1804, "appointing a committee to receive proposals for building a Work-House."[3] Oct. 17 1804, in the Assembly,

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[1] See Vol. I, p. 101.

[2] *Vermont State Papers*, pp. 290, 291, 300, 331, 357, 454, and other acts prescribing punishments.

[3] Vol. IV, pp. 45, 51, 97, 261, 294, 372, 523; and *Laws* of Feb. session 1804, p. 7. For the committee appointed by this act, see *ante*, p. 425.

A communication was received from Gamaliel Painter, Esq. enclosing proposals from Robert Torrence, jun. for erecting a State-Prison at Middlebury, with a plan of said prison; the proposals were read, and on motion referred to a committee consisting of a member from each county, to join such committee as the Council may appoint. Members chosen, Messrs. Shumway [John of Dorset,] Aiken [John of Londonderry,] E. Porter [Ezekiel of Rutland,] W. Perry [William of Hartford,] Buckingham [Jedediah P. of Thetford,] E. Butler [Ezra of Waterbury,] Chipman [Daniel of Middlebury,] Moffit [Joseph of Danville,] Pomeroy [Seth of St. Albans,] Stanley [Timothy of Greensborough,] and D. Dana [Daniel of Guildhall.] Proposals from Thomas D. Road [Rood] Esq. for building a State-Prison at Jericho, were read, and referred to the same committee.[1]

Lieut. Gov. Brigham and Mr. Wheelock were joined from the Council, and Oct. 22 the committee reported as follows:

To the Honorable General Assembly now sitting.—Your committee, to whom were referred the several proposals for building a Work-House, or State-Prison, *Report*, That having taken into consideration the said proposals, and particularly the several places proposed, are of the opinion, that a preference ought to be given to the town of Middlebury, on account of its being more central, and for that in such a village as that of Middlebury, the prisoners may be more easily guarded, more safely kept, and more conveniently supported; raw materials may be furnished them with less expence, and the manufactured articles more readily disposed of. The plan accompanying the proposals from Middlebury we have also examined, and believe that it will be advisable to erect one upon that plan, with some alterations, tending to lessen the expence, without rendering it less convenient and safe.

Your committee further report, that, in order to prevent that inconvenience which frequently arises from making of contracts by governmental agents, a committee, consisting of two persons, be chosen, and directed to repair to Middlebury, as soon as may be, with directions to procure a suitable quantity of ground on which to erect said prison, to examine the materials, conveniences, and the expense of erecting said prison, and to receive proposals for building the same, and to report to this House their doing, as soon as may be.

PAUL BRIGHAM, *for Committee.*

Oct. 24, this report was rejected,[2] and the matter was continued as unfinished business through the sessions of 1805 and '6.

At the session of 1807, Gov. Israel Smith strongly urged a compliance with the provision of the constitution on this subject;[3] and on motion of Elihu Luce of Hartland a committee of one from each county was appointed "to take into consideration all bills, plans, proposals, and

[1] The act of Jan. 31 1804 required the committee to report in writing all proposals received. The above references to proposals from Middlebury and Jericho are all that appear in the journal of the House. Middlebury proposed to give the land and erect the buildings for nine per cent. of $40,000 payable semi-annually for ten years, or on $30,000 for thirteen years.—See *Vermont Centinel* of Sept. 2 1808.

[2] Printed *Assembly Journal*, Oct. Session 1804, pp. 79, 125, 147.

[3] See *ante*, p. 394.

other papers relating to a State-Prison, which have been referred from the last session of the legislature;" and Messrs. Shumway [John of Dorset,] Fletcher [Samuel of Townshend,] P. Smith [Pliny of Orwell,] Hunter [William of Windsor,] Olin [Henry of Leicester,] Chase [Dudley of Randolph,] Putnam [Seth of Middlesex,] Ware [Cyrus of Montpelier,] Hubbard [Samuel of Huntsburgh, now Franklin,] Olds [Jesse of Craftsbury,] Ingham [Micajah of Canaan,] and T. Allen [Timothy of South Hero,] were appointed. The results were "An act to provide for the building of a State-Prison," which was passed without a division, and "An act assessing a tax of one cent on each acre of land in this State for the purpose of defraying the expense of erecting a State-Prison."[1] The last was passed by a vote of 121 to 40.[2] The first named act was as follows:

AN ACT *providing for the building of a State's Prison.*

SEC. 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That a board of commissioners, consisting of five suitable persons, to be chosen during the present session of the legislature, by a joint ballot of both houses, be appointed for the purpose of erecting and finishing a State's Prison, within and for the State of Vermont.

SEC. 2. *And it is hereby further enacted*, That the said commissioners, before they enter upon the discharge of the duties enjoined on them by this act, shall give bonds with sufficient sureties, in the sum of sixty thousand dollars, to the treasurer of this State, for the faithful performance of such duties. And said commissioners shall be, and they hereby are fully authorized and empowered to determine and fix on the *place where* the said prison shall be erected, and also to determine on the plan and fashion of the same, according as a majority of said commissioners, considering local, pecuniary and other advantages, may judge will most conduce to the convenience and interest of this State.

SEC. 3. *And it is hereby further enacted*, That said commissioners shall be, and they are hereby fully authorized and empowered to purchase or otherwise obtain all necessary conveyances to this State of such lands as may be proper for the use and purposes aforesaid, and to contract for, purchase and provide all the materials and provisions necessary to the finishing and completing said prison. And they are hereby further directed to take the earliest and most speedy measures to obtain suitable proposals for the furnishing of materials and labor necessary to carry into effect the object of this act as soon as may be consistent with the true interest of this State.

SEC. 4. *And it is hereby further enacted*, That the said commissioners, a majority of whom shall, in all their transactions, constitute a quorum, shall be and they hereby are authorized to appoint one or more agent or agents, from among themselves or otherwise, for whose fidelity and

[1] On a previous occasion the same tax had been laid to pay the expenses of the State government, which by many was regarded as in a degree unjust to non-resident owners of land in the State. They were also taxed for the construction and maintenance of roads and bridges.

[2] Printed *Assembly Journal* of 1807, pp. 22, 217.

economy said commissioners shall be responsible, whose duty it shall be, from time to time, to superintend and inspect the work of said prison, and to see that the same be well and faithfully done, and the several contracts with said commissioners are punctually fulfilled. And said commissioners are empowered to take bonds, with sureties, of such agent or agents, for the due discharge of their undertakings.

SEC. 5. *And it is hereby further enacted*, That said commissioners be and they hereby are empowered to appoint a clerk of their board, (for whose fidelity they shall be responsible, and of whom they may also require bonds,) and by such clerk to draw orders, from time to time, on the treasurer of the State, for any sums which may have been expended or contracted for by them, for the purpose aforesaid; and they are hereby directed to keep a fair account of all and every of their expenditures, and be in readiness to exhibit the same at any time when legally called on for that purpose. *Provided nevertheless, and it is hereby further enacted*, That said commissioners shall not exceed, in the expenditures in building said prison, the sum of thirty thousand dollars.

Passed Nov. 3, 1807.

A true copy. Attest, THOMAS LEVERETT, *Sec'y.*[1]

Pursuant to the preceding act, Ezra Butler of Waterbury, Samuel Shaw of Castleton, John Cameron of Ryegate, Josiah Wright of Pownal, and Elihu Luce of Hartland were appointed commissioners,[2] who proceeded at once to the execution of their duties, and at the session of 1808 a committee of the House submitted a report, from which the following is taken:

The commissioners appointed at the last session of the general assembly, to fix upon and designate the place, and to superintend the building of said prison, [selected a place] at Windsor, situate nearly opposite the house of Stephen Jacob esq. That previous to building said prison, the inhabitants of said Windsor procured to be deeded to the State one acre of land, free of expence, and obligated themselves to procure to be drawn for the use of said building, five thousand tons of stone, on the place where said building is erected, free of expence, and to procure to be drawn the residue of the stone necessary to complete said building and yard, at the rate of sixty cents per ton, and to have the privilege of taking a sufficient quantity of stone from the mountain (which is about three miles distant from the prison,[3]) free of expence to the state. And that the commissioners, in addition to the one acre of land gratuitously given as aforesaid, have purchased, for the use and benefit of the state, nearly four acres of land adjoining, at the price of one hundred and fifty dollars per acre.

The dimensions of said building, which is designed for the prison and cells, is eighty-five feet in length, thirty-six feet in breadth, three stories in height, all built with hewn stone, and is calculated to contain in all the cells one hundred and seventy prisoners with convenience. That the keeper's house adjoining said prison is built of brick, except the basement story, which is built of stone and designed for a room to vict-

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[1] Printed *Laws of* 1807, pp. 94, 189.

[2] Printed *Assembly Journal* of 1807, p. 236.

[3] Ascutney mountain.

ual the prisoners in, and is forty-two feet in length, twenty-four feet in breadth, and four stories in height. The land adjoining said prison, and where the wall is intended to be built, is sixteen rods in length and twelve rods in breadth, within which the work-shops are intended to be built.[1]

In 1809, the further sum of five thousand dollars was appropriated for the prison, and a committee was appointed to settle the accounts of the commissioners.[2] In 1810, the committee reported that a further appropriation of $3,733.48 should be made, making the cost of the prison $39,312.78; and the appropriation was made.[3]

Additional buildings, for work-shops, storehouses, barn, and offices, were subsequently erected; and in 1830–32 a new prison was constructed, for the solitary confinement of prisoners, at a cost to the State of $8,000. This building is one hundred and twelve feet in length by forty in width, of four stories, with thirty-four cells in each story—in all one hundred and thirty-six cells. The cells are in the centre of the building, with an open passage on all sides.[4]

In 1875–6, the work-shop was enlarged, the prison erected in 1809 entirely removed, and a new one erected, having regard to accommodations for female prisoners. The cost of the addition to the work-shop was $2,100.88, and of the new prison $11,083.30—total, $13,184.18.[5]

The management and government of the prison was originally vested in a board of visitors, who appointed the subordinate officers; subsequently in a superintendent; then in a superintendent and warden; next in a superintendent elected by the legislature; and now is in three directors and a superintendent, who are elected by the legislature. A chaplain is provided for religious instruction; a library for the benefit of the prisoners; and a physician.

The following are the statistics of the prison to and including the year 1876, the last column covering excess both of expenditures and of income:[6]

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[1] Printed *Assembly Journal* of 1808, p. 130.

[2] Printed *Laws of* 1809, pp. 3, 107.

[3] Printed *Assembly Journal* of 1810, p. 192; and printed *Laws of* 1810, p. 169.

[4] *Thompson's Vermont*, Part II, p. 138.

[5] *Vermont State Officers' Reports*, 1875–6, State Prison Report, p. 5.

[6] Same, pp. 18–20.

Statistics of the Prison, 1809 to 1876 inclusive.

Year.	Population.	No. committed.	Average Term of Years.	Pardoned.	Term expired.	Sent to Insane Asylum.	Escaped.	Died.	Total Number Discharged.	Age under 15 yrs	Age 15 to 21 yrs.	Age 21 to 30 yrs.	Age over 30 yrs.	Natives of Vt.	Natives of other States.	Foreigners.	Sent'd for Life.	Expenses over Income.
1809		24	6 2-3								2	13	9	4	19	1		$5,000 00
1810	217,895	27	4 3-4	1			4	1	6		5	8	14	4	20	3		5,000 00
1811		27	3 3-4	3	8				11		8	12	7	5	18	4		5,000 00
1812		26	5		8	15			23		4	17	5	4	20	2		5,000 00
1813		19	4		10	11		2	23		3	8	8	6	12	1		5,000 00
1814		23	5 1-2	3	8			2	13		8	10	5	3	17	3		5,000 00
1815		38	6 1-2	9	10			3	22		12	13	13	7	23	8		5,000 00
1816		43	4 3-4	11	15		7		33	1	20	16	6	5	31	7		5,812 00
1817		42	4 1-2	18	15		1		34	2	9	18	13	15	22	5		6,038 00
1818		25	4 1-2	21	11				32		6	15	4	1	32	2		4,780 00
1819		43	5 1-2	25	19				44		2	25	16	4	30	9	1	5,220 00
1820	235,966	44	5		23	8		1	33	2	4	27	11	10	23	11		5,000 00
1821		27	5		27	6			1	34	8	10	9	6	16	5	1	3,907 00
1822		37	4 3-4	16	14				1	31	3	21	13	8	25	4		3,290 00
1823		25	5 1-2	12	15				1	28	4	12	9	5	15	5		3,255 00
1824		33	4 1-2	18	9				3	30	3	17	13	8	15	10	1	3,955 00
1825		37	5 7-8	19	9				4	32	1	6	17	13	6	17	14	1	2,970 00
1826		49	5		24	8			2	34		7	15	27	8	30	11		3,973 00
1827		26	3 1-3	23	8					31		6	6	14	4	12	10		1,937 00
1828		31	3 1-2	18	8				4	30	1	6	8	16	17	9	5	1	2,030 00
1829		28	3 1-2	26	14					40		7	12	9	9	14	5		2,202 00
1830	280,652	55	2 1-2	25	17			1	1	44		13	20	22	18	26	11		4,063 00
1831		28	3 1-2	22	18					40		6	8	14	4	21	3		5,937 00
1832		35	3		14	23			2	39		6	17	12	14	13	8		4,960 00
1833		50	3 2-3		9	24			1	34	1	10	24	15	18	23	9		4,939 00
1834		37	3		18	26		1	1	46	1	9	15	12	16	10	11		5,000 00
1835		49	3 1-4		8	33			2	43	1	14	18	15	19	23	7		4,337 00
1836		31	3 1-4		8	28				36	2	5	11	14	8	11	12		4,223 00
1837		30	3		11	25			3	39		11	7	12	10	10	10		2,150 00
1838		31	2 1-2	10	35				1	46	1	8	12	10	6	14	11		5,000 00
1839		34	2 1-2	10	30					40	1	12	10	11	13	8	13	1	2,000 00
1840	291,948	31	3		8	22			1	31		11	7	13	10	10	11		3,000 00
1841		37	3		6	27				33		11	18	8	18	8	10		1,000 00
1842		23	3 1-2			27		3	2	32	1	6	8	8	9	4	10		140 00
1843		23	3		9	18		3	1	31	3	3	7	10	8	11	4		2,737 00
1844		30	2 1-4	11	16				1	28		6	8	16	13	8	9		1,867 00
1845		26	3 1-4	12	13					25		10	9	7	14	3	9		1,989 00
1846		25	4 3-4	20	12					32		7	10	8	11	9	5		3,382 00
1847		16	4		8	18			3	20	1	6	6	3	3	5	3		6,972 00
1848		19	2 3-4	7	14			1		22	3	2	8	6	5	5	9		2,814 00
1849		34	3 1-2	6	14				4	24	2	8	12	12	9	9	16		3,000 00
1850	314,120	38	3		8	10	1			19		8	11	14	11	7	15		144 00
1851		35	3		5	14			1	20		10	10	15	13	7	15		422 00*
1852		21	4		9	22	2		1	34	2	6	6	7	8	3	10		435 00*
1853		32	3		8	22			2	33	1	8	12	11	13	9	10		1,009 00
1854		22	2 3-4	5	20				4	29	2	7	8	5	6	8	8		851 00
1855		35	4	15	14				1	30		13	7	15	9	7	19	2	2,649 00
1856		31	3 1-2	8	16				1	25	3	9	10	9	8	7	16	1	1,733 00
1857		25	2 3-4	16	17	1				34		5	11	9	7	9	9		2,445 00
1858		35	3		6	18			3	27	2	11	10	12	11	15	9		1,433 00
1859		38	2 3-4	9	22	2	1			34	1	15	12	10	19	10	9	1	1,356 00
1860	315,098	41	2 2-3	9	13				2	24	2	14	17	8	15	14	12	1	1,006 00
1861		44	2 1-5	12	29				2	43	1	7	21	15	14	11	19		260 00*
1862		42	2 1-2	5	38			1	2	46		11	17	14	21	3	13		436 00
1863		22	2 1-2	6	37					43		7	7	8	6	8	8	2	1,639 00
1864		17	3 1-2	5	27	1	1		2	36	1	5	5	6	7	5	5	1	2,560 00
1865		31	2 7-8	4	13					17	2	7	11	11	11	7	13		6,438 00
1866		51	3	10	21			1		32	1	16	25	9	20	10	18		7,308 00
1867		43	2		9	29	1			38		11	23	9	14	10	17	1	7,307 00
1868		29	2 1-2	3	36	1			3	42		9	10	10	13	8	8	1	6,413 46
1869		42	3 1-2	8	29	2			2	37		15	15	12	16	18	8	1	6,297 13
1870	330,551	44	3 1-3	8	26				5	39		12	10	22	19	8	17	1	5,397 53
1871		39	3 1-4	11	23				1	35		9	18	12	14	11	14		5,938 18
1872		32	3 1-2	8	19	1			1	29		13	10	9	9	11	12		3,654 31*
1873		23	2 1-2	7	33				1	42		4	12	7	11	4	8		1,018 76*
1874		35	3 3-4	1	22				2	25		10	12	13	18	8	9	1	2,331 38*
1875		50	3 1-2		33	3				36		14	20	16	18	18	14		2,352 28*
1876		55	3 1-2	1	31	1	1	4		37		6	24	35	20	17	18		2,352,28*
		2264		733	1287	16	27	88		2148	43	559	889	776	718	899	645	20	*Income.

Since 1866, juvenile offenders have been committed to the Vermont Reform School.

APPENDIX H.

BRITISH INTRIGUE IN NEW ENGLAND—1809.

The Embargo in Vermont, and the Craig-Henry Correspondence[1]—1808 to 1812.

The embargo act of Congress of Dec. 22 1807 had comparatively little significance in Vermont until it had been supplemented by the act of March 12 1808, commonly called "the land embargo," which was promulgated simultaneously with the opening of navigation on Lake Champlain. The first interfered mainly with commerce on the seaboard, but had turned the people of northern and northwestern Vermont to Canada as a market for their timber, and pot and pearl ashes, which were then the chief articles of export.[2] This market was interfered with by the "land embargo," and the distress of the people, and the zeal of the Federal politicians who made the most of their opportunity, excited great dissatisfaction with the national government, and alarmed its supporters in Vermont.

The *Embargo Law* which passed on the 12th of March last, commonly called the *land embargo*, was received by Jabez Penniman, the Collector of Vermont District, on the first day of April. Mr. Penniman, on the same day, by the advice of Asa Aldis and C. P. Van Ness, Attorneys at St. Albans, addressed a letter to Mr. Gallatin, Secretary of the Treasury, stating the impossibility of executing that law, without a military force.[3]

This statement evidently came from an opponent of the administration, but it is substantially confirmed by the following official papers:

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[1] Commonly called the John Henry mission.

[2] Memorial to President Jefferson of a town-meeting in St. Albans, for which see *Spooner's Vermont Journal* of June 20 1808.

[3] *Vermont Centinel* of Sept. 2 1808.

President Jefferson to the Secretary of the Treasury.

APRIL 19, 1808.

Dear Sir,—Sincerely sympathizing in your distress,[1] which much experience in the same school has taught me to estimate, I could not have been induced to intrude on it by any thing short of the urgency of the case stated by Penniman of Lake Champlain. Messrs. Robinson and Witherall [Senator Jona. Robinson, and representative Witherell of Vermont] tell me the whole of the business will be over early in May, when the fall of the water renders the rapids [below St. Johns] impassable for rafts. They think vessels of any kind desired, can be had on the Lake at a moment's warning, and guns of 6 lbs. ball, there also, mounted on them by procurement of the collector, and that the governor [Israel Smith] would order any assistance of militia on being written to. Believing it important to crush every example of forcible opposition to the law, I propose to ask the other gentlemen to a consultation immediately, and for their and my guide have to request any ideas on the subject which you can hastily give me on paper, for which I would not have troubled you, but from a confidence that your knowledge of the character and means possessed by the collector there, and of the local circumstances to be attended to, may enable us to decide on what will be most proper and effectual. I salute you with affection. P. S. Return me Penniman's letter if you please, to lay before the gentlemen.

Same to same, of the same date.

We have concluded as follows: 1st. That a letter from your department to the Collector on Lake Champlain, shall instruct him to equip and arm what vessels he can and may think necessary, and luggage [engage] as many persons on board them as may be necessary, and can be engaged *voluntarily*, by force of arms, or otherwise, to enforce the law.

2d. The Secretary of State writes to the Marshall, if the opposition to the law is too powerful for the collector, to raise his possee, (which, as a peace officer, he is fully authorized to do on any forcible breach of the peace,) and to aid in suppressing the insurrection or combination.

3d. The Secretary at War desires the Governor, if the posse is inadequate, to publish a proclamation with which he is furnished, and to call on the militia. He is further, by a private letter, requested to repair to the place, and lend the aid of his counsel and authority according to exigencies.

We have further determined to build two gun-boats at Skanesborough, [Whitehall, N. Y.] Affectionate salutations. P. S. General Dearborne has Penniman's letter to copy for the Governor.[2]

May 9 1808, the proclamation referred to was published in *Spooner's Vermont Journal*, (a paper selected for the official publication of the laws,) as follows:

By the President of the United States,

A PROCLAMATION.

Whereas information has been received that sundry persons are combined or combining and confederating together on Lake Champlain and the country thereto adjacent, for the purposes of forming insurrections against the authority of the laws of the United States, for opposing the

[1] A domestic affliction.

[2] *Jefferson's Complete Works*, Vol. 5, p. 271. Copied literally.

same and obstructing their execution; and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals, by the laws of the United States:

Now therefore, to the end that the authority of the laws may be maintained, and that those concerned, directly or indirectly, in any insurrection against the same may be duly warned—I have issued this my PROCLAMATION, hereby commanding such insurgents, and all concerned in such combinations, instantly and without delay to disperse themselves and retire peaceably to their respective abodes: And do hereby further require and command all officers having authority, civil or military, and others, civil or millitary, who shall be found within the vicinage of such insurrections, to be aiding and assisting by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrection or combinations, to seize upon all those therein concerned, who shall not, instantly and without delay, disperse and retire to their respective abodes; and to deliver them over to the civil authority of the place, to be proceeded against according to law.

In testimony whereof, I have caused the Seal of the United States to be affixed to these presents, and signed the same with my hand. Given at the city of Washington, the 10th of April 1808, and in the sovereignty and independence of the United States the thirty-second.

TH: JEFFERSON.

By the President, JAMES MADISON, *Sec'ry of State.*

Nothing appears, in the public newspapers or official documents of that day, indicating any "insurrection" or "combinations" for criminally opposing the laws, except indictments for treason, hereinafter noticed, which were not sustained; and daring and defiant smugglers, who have always and everywhere been found whenever the temptation was sufficient to invite the risks to be incurred in that nefarious business. Indeed, a regularly called town-meeting of the inhabitants of St. Albans, June 1808, adopted a memorial to President Jefferson, in which they emphatically denied the imputation of the proclamation, as follows:

Your memorialists positively and unequivocally declare that in their opinion, the conduct of the citizens of this district had furnished NO cause for such Proclamation; and that the same must have been issued in consequence of erroneous and unfounded representations, made and transmitted to the Executive department of the United States, by some evil minded person or persons. That if individuals, finding themselves and their families on the verge of ruin and wretchedness, have attempted to evade the embargo restrictions, and have actually accomplished their purpose, this could never furnish a just cause for proclaiming to the world that insurrection and rebellion were chargeable on the good people of this district; and with confidence, your memorialists declare their belief, that nothing more than this had taken place.

[Signed] ASA FULLER, JOHN GATES, AZARIAH BROOKS, *Selectmen.*
Attest, SETH WETMORE, *Clerk.*[1]

Nevertheless the military power was invoked. May 5 1808, by order of Gov. Smith, Gen. Levi House ordered out a small detachment, from the first regiment of his brigade in Franklin county, who were stationed

[1] *Spooner's Vt. Journal* of June 20 1808.

at Windmill Point.[1] It seems that the special purpose was to prevent several rafts from passing into Canada, and that, taking advantage of darkness and a strong and favorable wind, the rafts escaped previous to May 26.[2] This seems to have raised a doubt of the efficiency of the Franklin County militia, and on the 31st of May a detachment of one hundred and fifty militia marched from Rutland County on the same service, and were shortly reinforced by a detachment of U. S. artillery; whereupon Gov. Smith was directed to discharge all but seventy-five of the militia,[3] and the Franklin County men were discharged, to the great indignation of themselves and their brigade.[4] In October the Vermont militia seem to have been withdrawn and their places supplied by United States troops.[5]

The resort to force by the government served on the one hand to increase the fervor of the Federal party and give them the victory at the ensuing election of state officers; and on the other stimulated the smugglers to desperate and deadly resistance, such as would necessarily have called for the interposition of force. They met force by force repeatedly,

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[1] *Spooner's Vermont Journal* of May 23 and June 13 1808; and *Weekly Wanderer* of May 23 1808.

[2] *Spooner's Vermont Journal* of June 13 1808.

[3] *Weekly Wanderer* of June 13 and 27, and July 4 1808.

[4] June 17 1808, a general convention of the commissioned officers of the brigade assembled and adopted a spirited address to the public, in which they declared that the detachment had promptly obeyed orders and acquitted themselves with honor, though they could not command the winds and the waves, and that the ordering of the Rutland County militia to stations within the limits of the brigade was an "open, direct, and most degrading insult." July 30 1808, sundry citizens of Franklin County signed an address to the public, in reply to the foregoing, justifying Collector Penniman and the President, on the ground "that the constant and unceasing declarations of the lumber and potash merchants were, they would arm, and run their property at all events; that if Mr. Penniman attempted to enforce the laws, his life would be short; that if military aid should be called, and the troops should kill a person in attempting to enforce the laws, the inhabitants would immediately RISE and drive them from their stations. In short, it was openly declared, that the inhabitants on Lake Champlain would never submit to the enforcement of the embargo law." Evidently these were the threats of smugglers, and both addresses are of a strong partizan hue.—See *Spooner's Vermont Journal* of July 4 and Sept. 12 1808. For views, both of Gov. Tichenor and the Jeffersonians of the Legislature, as to the course of the President, and a compliment by the Governor to the Vermont militia, see *ante*, pp. 397–9.

[5] *Spooner's Vermont Journal* of Oct. 24 1808; and *Vermont Centinel* of Nov. 4 1808.

but the most lamentable example occurred Aug. 3 1808. A party of twelve of the Vermont militia had captured a notorious smuggling vessel called the Black Snake, then moored in the Winooski river, and as they were taking it down the river to the lake, the smugglers repeatedly fired upon them, killing Ellis Drake of Clarendon, and Asa Marsh of Rutland, and wounding Lieut. Daniel Farrington of Brandon, who commanded the party. Just before the last gun was fired—a murderous wall-piece, charged with fifteen bullets, slugs and buck-shot—Capt. Jonathan Ormsby of Burlington joined the government party to aid in arresting the murderers, and was killed with Marsh. David D. Johnson, sergeant commanding the remainder of the militia, immediately seized all of the smugglers except two, who escaped but were subsequently arrested. A special term of the supreme court was held at Burlington, commencing on the 23d of August; on the 26th the grand jury returned true bills against Samuel I. Mott of Alburgh; William Noaks, Slocum Clark, and Truman Mudgett of Highgate; Cyrus B. Dean and Josiah Pease of Swanton; David Sheffield of Colchester, and Francis Ledgard of Milton. Sept. 1 Mott was convicted; on the 5th Dean, and on the 9th Sheffield. Dean was sentenced to death on Friday Oct. 28, but was respited by the legislature until Nov. 11, when he was executed. New trials were granted to Mott and Sheffield, both of whom, with Ledgard, were convicted of manslaughter at the January term, 1809.[1] All three were sentenced to stand one hour in the pillory, be confined ten years in the state-prison, and pay costs of prosecution. In addition, Mott and Sheffield received fifty lashes. They were all pardoned by the governor: Ledgard, Nov. 12 1811; Sheffield, Nov. 4 1815; and Mott, Oct. 15 1817.[2]

Nov. 3 1808, the U. S. Circuit Court commenced a special session at Burlington, Brockholst Livingston and Elijah Paine judges, when Frederick, Job, and John Hoxie were tried for high treason, in levying war against the United States, but were speedily acquitted by the jury.[3]

Early in 1809, after the passage of the new embargo act of Jan. 9, the following circular was sent to Gov. Tichenor:

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[1] The grand jury at this term published an address to the freemen of Chittenden County, in which they declared that, beyond the Black Snake affair, "in which strangers were principally the actors, we view with satisfaction and admiration, the loyalty and patience of our fellow citizens;" and "that the charges of Insurrection and Rebellion, lately exhibited against them, are vile aspersions against the honor and the dignity of this County."—See *Vermont Centinel* of Jan. 20 1809. It is hardly necessary to suggest that the jury did not favor the President's policy.

[2] From a good account in *Vt. Historical Magazine*, Vol. II, pp. 342–347.

[3] *Vermont Centinel* of Nov. 4 1808.

Circular letter from the Secretary of War, to the Governors—prepared by Thomas Jefferson.

JANUARY 17, 1809.

Sir,—The pressure of the embargo, although sensibly felt by every description of our fellow citizens, has yet been cheerfully borne by most of them, under the conviction that it was a temporary evil, and a necessary one to save us from greater and more permanent evils,—the loss of property and surrender of rights. But it would have been more cheerfully borne, but for the knowledge that, while honest men were religously observing it, the unprincipled along our sea-coast and frontiers were fraudulently evading it; and that in some parts they had even dared to break through it openly, by an armed force too powerful to be opposed by the collector and his assistants. To put an end to this scandalous insurbordination to the laws, the Legislature has authorized the President to empower proper persons to employ militia, for preventing or suppressing armed or riotous assemblages of persons resisting the custom-house officers in the exercise of their duties, or opposing or violating the embargo laws. He sincerely hopes that, during the short time these restrictions are expected to continue, no other instances will take place of a crime of so deep a die. But it is made his duty to take the measures necessary to meet it. He therefore requests you, as commanding officer of the militia of your State to appoint some officer of the militia, of known respect for the laws, in or near to each port of entry within your State, with orders, when applied to by the collector of the district, to assemble immediately a sufficient force of his militia, and to employ them efficaciously to maintain the authority of the laws respecting the embargo, and that you notify to each collector the officer to whom, by your appointment, he is so to apply for aid when neccessary. He has referred this appointment to your Excellency, because your knowledge of characters, or means of obtaining it, will enable you to select one who can be most confided in to exercise so serious a power, with all the discretion, the forbearance, the kindness even, which the enforcement of the law will possibly admit—ever to bear in mind that the life of a citizen is never to be endangered, but as the last melancholy effort for the maintenance of order and obedience to the laws.[1]

Feb. 6 1809, a legally warned town-meeting of the inhabitants of St. Albans unanimously adopted a series of resolutions strongly condemning the course of the national administration, and published an address on the subject.[2] The sentiments expressed would be justly condemned, as approaching to the verge of treason, were it not evident that the real purpose was political. Other town-meetings of the same character were held, and these were followed by equally zealous meetings of the Jeffersonians: so that the temper of the people was hot, but no examples of resistance to the laws by force appear. At this period Gov. Tichenor visited northern Vermont, doubtless in consequence of the President's circular of Jan. 12, and it is safe to conjecture that he used the opportunity to advize political opposition to the national administration, instead of resistance to the laws by force.[3] It was at this juncture, Jan. 26 1809,

[1] *Jefferson's Complete Works*, Vol. 5, p. 413.

[2] *Vermont Centinel* of Feb 17 1809.

[3] See letter of A. B. [John Henry] No. 3, Feb. 14 1809, *post*.

that Sir James Craig, Governor General of Canada, determined upon the mission of John Henry to the New England States, the details of which follow.

THE CRAIG–HENRY CORRESPONDENCE.—1809.[1]

MESSAGE

From the President of the United States to Congress.—March 9, 1812.

I lay before Congress copies of certain documents which remain in the Department of State. They prove that, at a recent period, whilst the

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[1]The chiefs in this correspondence were Gov. Craig and John Henry. Sir JAMES HENRY CRAIG was born at Gibralter in 1749, commissioned as ensign in the British army in 1763, and served in America in various positions from 1774 until 1781. He was in the battles of Lexington, Bunker's Hill, Hubbardton, and at Freeman's farm, and was severely wounded in all but the first named. He was made Lieut. General in 1801. "Appointed commander-in-chief of Canada in August 1807, he proved wholly unfit for a civil station. He saw in every opponent of his policy a disaffected rebel, seized liberal presses, suppressed opposition, and employed spies. He returned to England, June 19, 1811," and died Jan. 12, 1812.—Drake's *Dictionary of American Biography.*

JOHN HENRY was a native of Ireland, "of one of the first families in that country, poor, because a younger brother." He came to Philadelphia about 1794 as a steerage passenger. Possessing considerable literary ability, he became editor of Brown's *Philadelphia Gazette.* Having become naturalized, he was appointed captain in the U. S. army in 1798, and for more than a year had command of Fort Jay, on Governor's Island, near New York City, and also at Newport R. I., where he quitted the service, settled upon a farm in Vermont, studied law for five years, and amused himself in writing violent articles against the then Jeffersonian administration. For awhile he edited the *Post Boy* at Windsor, in 1808, and it is probable that he went to Canada with Nahum Mower, the publisher of that paper, late in that year, where he was employed on his mission to New England in Jan. 1809. Henry indeed stated that "his strictures in the public prints against republican government attracted the attention of the British Government. Sir James Craig became desirous of my acquaintance. He invited me to Quebec, where I staid some time. Hence I went to Montreal, where everything I had to fear, and all I had to hope, was disclosed to me." James Fisk, then member of Congress from Vermont, said Henry was "a man of gentlemanly deportment, and reputed good moral character;" and Sullivan, that "he was a handsome, well-behaved man, and was received in some respectable families in Boston." His services in the mission to New Eng-

United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable professions and negociations on the part of the British government, through its publick minister here, a secret agent of that government was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and, eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens, that happy union of these states, which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity. JAMES MADISON.

[DOCUMENTS COMMUNICATED.]

A.

[COPY.] PHILADELPHIA, Feb. 20, 1812.

Sir,—Much observation and experience have convinced me, that the injuries and insults with which the United States have been so long and so frequently visited, and which cause their present embarrassment, have been owing to an opinion entertained by foreign states,—"That in any measure tending to wound their pride, or provoke their hostility, the government of this country could never induce a great majority of its citizens to concur." And, as many of the evils which flow from the influence of this opinion on the policy of foreign nations, may be removed by any act that can produce unanimity among all parties in America, I voluntarily tender to you, sir, such means as I possess towards promoting so desirable and important an object; which, if accomplished, can-

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land were complimented but not rewarded by the British government; and indignant at this injustice, he revealed the correspondence to President Madison, and received therefor the sum of fifty thousand dollars. Of this sum it has been supposed that he gave forty-nine thousand to Count de Crillon for an estate in France, for which country, with the other thousand, Henry sailed in March 1812. The count was a scamp, and Henry doubtless lost his money. It was reported, probably not on good authority, that Henry was appointed High Sheriff of the district of Quebec in April 1812.—*Lossing's Pictorial Field-Book of the war of* 1812. pp. 219, 222; *Northern Centinel* [Burlington] of March 26, April 2, 16, and 23, 1812; and Benton's *Abridgement of Debates of Congress*, Vol. IV, pp. 517, 525. The editor has been informed by the Hon. Daniel Baldwin that Henry was conspicuous in organizing Washington Benevolent Societies.

Vermont occupied a small space in this matter, nevertheless the facts that this was but a renewal, for New England, of the policy of the British Government as to Vermont from 1779 to 1783, as shown in the Haldimand correspondence, for which see Vol. II, pp. 396 to 479, and was one of the causes of the war of 1812, justify a reproduction here of the entire correspondence.

not fail to extinguish, perhaps forever, those expectations abroad, which may protract indefinitely, an accommodation of existing differences, and check the progress of industry and prosperity in this rising empire.

I have the honor to transmit herewith the documents and correspondence relating to an important mission, in which I was employed by Sir James Craig, the late governor general of the British provinces in North America, in the winter of the year 1809.

The publication of these papers will demonstrate a fact not less valuable than the good already proposed; it will prove that no reliance ought to be placed on the professions of good faith of an administration, which, by a series of disastrous events, has fallen into such hands as a Castlereagh, a Wellesley, or a Liverpool—I should rather say, into the hands of the stupid subalterns, to whom the pleasures, and the indolence of those ministers, have consigned it. In contributing to the good of the United States by an exposition, which cannot (I think) fail to solve and melt all division and disunion among its citizens: I flatter myself with the fond expectation, that when it is made publick in England, it will add one great motive to the many that already exist, to induce that nation to withdraw its confidence from *men, whose political career is a fruitful source of injury and embarrassment in America; of injustice and misery in Ireland; distress and apprehension in England; and contempt everywhere.*

In making this communication to you, sir, I deem it incumbent on me, distinctly and unequivocally to state, that I adopt no party views; that I have not changed any of my political opinions; that I neither seek nor desire the patronage, nor countenance of any government, nor of any party; and, that, in addition to the motives already expressed, *I am influenced by a just resentment of the perfidy and dishonour of those who first violated the conditions upon which I received their confidence;* who have injured me, and disappointed the expectations of my friends; and left me no choice, but between a degrading acquiescence in injustice, and a retaliation, which is necessary to secure to me my own respect.

This wound will be felt where it is merited; and if Sir James Craig still live, his share of the pain will excite no sympathy among those who are at all in the secret of our connection. I have the honor to be, &c. &c.

(Signed) J. Henry.

To James Monroe, Esq., Secretary of State.

No. I.

[Copy.]—*Mr. Ryland, Secretary to Sir James Craig, Governor General of Canada, to Mr. Henry.*

Most secret and confidential.

Quebec, January 26, 1809.

My Dear Sir: The extraordinary situation of things at this time in the neighbouring states, has suggested to the Governor in chief, the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. *The information and political observations heretofore received from you, were transmitted by his excellency to the secretary of state, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have above suggested, would give you claim not only on the Governor General, but on his majesty's ministers,* which might eventually contribute to your

advantage. You will have the goodness therefore to acquaint me, for his excellency's information, whether you could make it convenient to engage in a mission of this nature, and what pecuniary assistance would be requisite to enable you to undertake it without injury to yourself.

At present it is only necessary for me to add, that the governor would furnish you with a cypher for carrying on your correspondence; and that in case the leading party in any of the states wished to open a communication with this government, their views might be communicated through you. I am with great truth and regard, &c.

(Signed) HERMAN W. RYLAND.

No. II.

[COPY.]—*Sir James Craig, Gov. Gen. of Canada, to Mr. Henry.*

Most secret and confidential.

QUEBEC, February 6, 1809.

Sir,—As you have so readily undertaken the service, which I have suggested to you, as being likely to be attended with much benefit to the publick interests, I am to request that with your earliest convenience, you will proceed to Boston.

The principle object that I recommend to your attention, is the endeavor to obtain the most accurate information of the true state of affairs in that part of the Union, which from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over and will indeed probably lead the other eastern states of America in the part that they may take at this important crisis.

I shall not pretend to point out to you the mode by which you will be most likely to obtain this important information; your own judgment, and the connections which you may have in the town, must be your guide. I think it however necessary to put you on your guard against the sanguineness of an aspiring party; the federalists as I understand, have at all times discovered a leaning to this disposition, and their being under its particular influence at this moment, is the more to be expected from their having no ill founded ground for their hopes of being *nearer the attainment of their object* than they have been for some years past.

In the general terms which I have made use of in describing the object which I recommend to your attention, it is scarcely necessary that I should observe, I include the state of the publick opinion, both with regard to their internal politicks, and to the probability of a war with England; the comparative strength of the two great parties into which the country is divided, and the views and designs of that which may ultimately prevail.

It has been supposed that if the federalists of the eastern states should be successful in obtaining that decided influence, which may enable them to direct the publick opinion, it is not improbable that rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general union. The earliest information on this subject may be of great consequence to our government, as it may also be, that it should be informed, *how far in such an event they would look up to England for assistance or be disposed to enter into a connection with us.*

Although it would be highly inexpedient that you should in any manner appear as an avowed agent, yet if you could contrive to obtain an

intimacy with any of the leading party, it may not be improper that you should insinuate, though with great caution, that *if they should wish to enter into any communication with our government through me, you are authorized to receive any such, and will safely transmit it to me;* and as it may not be impossible that they should require some document by which they may be assured that you are really in the situation in which you represent yourself, I enclose a credential to be produced in that view; but I most particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed, and *unless you see good ground for expecting that the doing so may lead to a more confidential communication* than you can otherwise look for.

In passing through the state of Vermont, you will of course exert your endeavours to procure all the information that the short stay you will probably make there will admit of. You will use your own discretion as to delaying your journey, with this view, more or less in proportion to your prospects of obtaining any information of consequence.

I request to hear from you as frequently as possible, and as letters directed to me might excite suspicion, it may be as well, that you put them under cover to Mr ——— ———, and as even the addressing letters always to the same person might attract notice, I recommend your sometimes addressing your packet to the chief justice here, or occasionally, though seldom, to Mr Ryland, but never with the addition of his official description. I am, &c. (Signed) J. H. Craig.

No. III.

Copy of the "Credential" given by Sir James Craig to Mr. Henry.

[SEAL.]

Sir,—The bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me, *in the business committed to him.* In faith of which, I have given him this under my hand and seal at Quebec, this 6th day of February, 1809. (Signed) J. H. Craig.

No. IV.

Copies of the letters from Mr. Henry to Sir James Craig, relating to his mission to the United States, in the year 1809.

No. 1.

Answer to the Letter of Mr. Secretary Ryland, proposing the mission, &c.

Montreal, January 31, 1809.

Sir,—I have to acknowledge the favour of your letter, of the 26th inst. written by the desire of his excellency, the governour in chief, and hasten to express through you to his excellency, my readiness to comply with his wishes.

I need not add how very flattering it is to receive from his excellency, the assurance of the approbation of his majesty's secretary of state, for the very humble services that I may have rendered.

If the nature of the service in which I am to be engaged, will require no other disbursements than for my individual expenses, I do not apprehend that these can exceed my private resources.

I shall be ready to take my departure before my instructions can be made out. I have the honour, &c. J. H.

No. 2.

To his Excellency the Governour General &c. in answer to his letter of instructions, &c. &c,

MONTREAL, February 10, 1809.

Sir,—I have the honour to acknowledge the receipt of your excellency's letter of instructions, the letter of credence, and the cypher for carrying on my correspondence. I have bestowed much pains upon the cypher and am, notwithstanding this, deficient in some point, which might enable me to understand it clearly. I have compared the example with my own exemplification of the cypher, and find a difference in the results; and as the present moment seems favourable to the interference of his majesty's government, in the measures pursued by the federal party in the northern states, and more especially as the assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any farther explanation of the means of carrying on a secret correspondence, which the frequency of safe private conveyances to Canada will render almost wholly unnecessary. Should it, however, be necessary at any time, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it, there is a number for every letter in the alphabet, and particular numbers for particular phrases; so that when I do not find in the index the particular word I want I can spell it with the figures which stand opposite to the letters. For example, if I want to say that "troops are at Albany," I find under the letter "T," that number 16 stands for "troops," and number 125 for "Albany." The intervening words "are at" I supply by figures corresponding with the letters in these words.

It will be necessary to provide against accident, by addressing the letters to Mr ———, of Montreal, with a small mark on the corner of the envelop, which he will understand. When he receives it, he will then address the enclosure to your excellency, and send it from Montreal by mail. I will be careful not to address your excellency in the body of the letter, nor sign my name to any of them. They will be merely designated by the initials A. B. If this mode should in any respect appear exceptionable, your excellency will have the goodness to order a more particular explanation of the card. It would reach me in safety enclosed to ——— Boston. I have the honor, &c. J. H.

No. 3.

BURLINGTON, Vermont, Feb. 14, 1809.

Sir,—I have remained here two days, in order fully to ascertain the progress of the arrangements heretofore made, for organizing an efficient opposition to the general government, as well [as] to become acquainted with the opinions of the leading people, relative to the measures of that party which have the ascendant in the national councils.

On the subject of the embargo laws, there seems to be but one opinion: namely, that they are unnecessary, oppressive, and unconstitutional. It must also be observed, that the execution of them is so invidious, as to attract towards the officers of government, the enmity of the people; which is, of course, transferable to the government itself; so that, in case the state of Massachusetts should take any bold step towards resisting the execution of these laws, it is highly probable, that it may calculate upon the hearty co-operation of the people of Vermont.

I learn that the governour of this state is now visiting the towns in the northern section of it; and makes no secret of his determination, as commander in chief of the militia, to refuse obedience to any command from the general government, which can tend to interrupt the good un-

derstanding that prevails between the citizens of Vermont and his majesty's subjects in Canada. It is farther intimated, that in case of a war, he will use his influence to preserve this state *neutral*, and resist, with all the force he can command, any attempt to make it a party. I need not add, that, if these resolutions are carried into effect, the state of Vermont may be considered as an ally of Great Britain.[1]

To what extent the sentiments which prevail in this quarter, exist in the neighbouring states, or even in the eastern section of this state, I am not able to conjecture. I only can say, with certainty, that the leading men of the federal party act in concert: and, therefore, infer that a common sentiment pervades the whole body, throughout New England.

I have seen a letter from a gentlemen now at Washington, to his correspondent in this place: and as its contents may serve to throw some light on passing events there, I shall send either the original or a copy with this despatch. The writer of the letter is a man of character and veracity; and whether competent or not to form correct opinions himself, is probably within the reach of all the knowledge that can be obtained by the party to which he belongs.

It appears by his statement that there is a very formidable majority in Congress on the side of the administration; notwithstanding which, there is every reason to hope that the northern states, in their distinct capacity, will unite and resist by force, a war with Great Britain. In what mode this resistance will first show itself, is probably not yet de-

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[1] Gov. Tichenor was doubtless at this time visiting northern Vermont in the discharge of the duty assigned by the President's circular letter of Jan. 17 1809.* Henry did not see him, as he wrote that he *learned* that the governor had expressed the views reported. At that time both political parties in the state were highly excited, and Henry gave the hue to his report which he knew would be acceptable to his employer, and probably hoped would be proved true. It was in the summer of the same year that Josiah Dunham was sent to Gov. Craig to ask Canadian legislation for the suppression of counterfeiting, and this was charged by the Jeffersonians to be a political mission.† It was in answer to this charge that Dunham printed the correspondence which is given in *Appendix* J. As to Gov. Tichenor and himself he added as follows:

It may not be improper here to add, what may be necessary to remove some erroneous impressions, and what I am ready to *certify* [*on oath,*]‡ That the subject of the above correspondence is the only subject, on which I was the bearer of any communication to any person in Canada, either orally or in writing: That I never heard, while in Canada, from any person whatever, the least hint on the subject of a separation of the States, or of a union with Canada; and that I did not hear a word uttered, by any respectable person, in the Province, disrespectful to the government and constitution of the United States.

I, moreover, certify and declare, that so far from having ever heard Gov. TICHENOR advance any sentiments favorable to a *dissolution of the Union*, I have heard him declare, with some warmth, that the man who should seriously advocate such a doctrine, of whatever party he might be, *must be an enemy to his Country.* J. DUNHAM.‖

* See *ante*, p. 477.

† *The Washingtonian* of Aug. 13 1810.

‡ The words in brackets are interlined in writing on the newspaper; probably by Mr. Dunham.

‖ *The Washingtonian* of Aug. 13 1810.

termined upon; and may, in some measure, depend upon the reliance that the leading men may place upon assurances of support from his majesty's representative in Canada; and as I shall be on the spot to tender this whenever the moment arrives that it can be done with effect, there is no doubt that all their measures may be made subordinate to the intentions of his majesty's government. Great pains are taken by the men of talents and intelligence to confirm the fears of the common people, as to the concurrence of the southern democrats in the projects of France; and everything tends to encourage the belief, that the dissolution of the confederacy will be accelerated by the spirit which now actuates both political parties. I am etc. A. B.

No. 4.

WINDSOR, Vermont, Feb. 19, 1809.

Sir,—My last (No. 3) was written at Burlington, the principal town in the northern part of the state of Vermont. I am now at the principal town in the eastern section.

The fallacy of men's opinions, when they act under the influence of sensibility and are strongly excited by those hopes which always animate a rising party, led me to doubt the correctness of opinions which I received in the northern section of this state; which, from its contiguity to Canada and necessary intercourse with Montreal, has a stronger interest in promoting a good understanding with his majesty's government: therefore, since my departure from Burlington, I have sought every favourable occasion of conversing with the democrats on the probable result of the policy adopted by the general government. The difference of opinion is thus expressed:

The federal party declare that, in the event of a war, the state of Vermont will treat separately for itself with G. Britain, and support, to the utmost, the stipulations into which it may enter, without any regard to the policy of the general government. The democrats, on the other hand, assert that, in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the government, if it could be done without involving the people in a civil war, but, at all events, would risk every thing in preference to a coalition with Great Britain. This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont, are not operated upon by the same hopes and fears as those on the borders of the British colony. They are not dependent on Montreal for the sale of their produce, nor the supply of foreign commodities. They are not apprehensive of any serious dangers or inconvenience from a state of war; and although they admit that the governour, council, and three fourths of the representation in Congress are of the federal party, yet they do not believe that the state would stand alone and resist the national government. They do not, however, deny that should the state of Vermont continue to be represented as it is at present, it would, in all probability, unite with the neighbouring states in any serious plan of resistance to a war, which it might seem expedient to adopt. This, I think, is the safer opinion for you to rely on, if, indeed, reliance ought to be placed on any measure depending upon the will of the rabble, which is ever changing, and must ever be marked with ignorance, caprice, and inconstancy. As the crisis approaches, the difficulty of deciding upon an hazardous alternative will increase; and, unfortunately, there is not in Vermont any man of commanding talents, capable of attracting *general confidence*, of infusing into the people his own spirit, and amidst the confusion of conflicting opinions, dangers and commotion, competent to lead in the path of duty or safety. The

governour is an industrious, prudent man, and has more personal influence than any other: but his abilities are not suited to the situation in which a civil war would place him. I am, &c. A. B.

No. 5.

AMHERST, N. Hamp. Feb. 23, 1809.

Sir,—A Gentleman going direct to Canada, affords a safe and favourable opportunity of giving you some further account of my progress.

I will not make use of the post offices when I can avoid it; because private occasions supersede the necessity of writing in cypher, and the contempt of decency and principle, which forms part of the morals of the subaltern officers of a democracy, would incline them to break a seal with the same indifference that they break their words, when either curiosity or interest is to be indulged.

I have not had sufficient time nor evidence to enable me *to form any opinion for myself* of the lengths to which the federal party will carry their opposition to the national government, in the event of a war. Which may be inferred from the result of the elections of governours which, within two months, will be made in the states of Massachusetts, New Hampshire, and Rhode Island. From all I know and all I can learn of the general government, I am not apprehensive of an immediate war. The embargo is the favourite measure; and it is probable that other means will be employed to excite England to commit some act of hostility, for the sole purpose of placing the responsibility of war on that country: this I most particularly recommend to the consideration of ministers. The dread of opposition and of the loss of popularity, will certainly keep the ruling party at Washington inactive. They will risk any thing but the loss of power; and they are well aware that their power would pass away with the first calamity which their measures might bring upon the common people (from whom that power emanates;) unless, indeed, they could find a sufficient excuse in the conduct of Great Britain. This impression cannot be too deeply felt by his majesty's ministers; nor too widely spread throughout the British nation. It will furnish a sure guide in every policy that may be adopted towards the United States. I have the honour to be, &c. A. B.

No. 6.

BOSTON, March 5, 1809.

Sir,—I am favoured with another opportunity of writing to you by a private conveyance, and think it probable, at this season, that the frequency of these will render it unnecessary to write to you in cypher.

It does not yet appear necessary that I should discover to any person the purpose of my visit to Boston; nor is it probable that I shall be compelled, for the sake of gaining more knowledge of the arrangements of the federal party in these states, to avow myself as a regular authorized agent of the British government, even to those individuals who would feel equally bound with myself to preserve, with the utmost inscrutability, so important a secret from the public eye. *I have sufficient means of information to enable me to judge of the proper period for offering the co-operation of Great Britain, and opening a correspondence between the governour general of British America and those individuals who, from the part they take in the opposition to the national government, or the influence they may possess in any new order of things that may grow out of the present differences*, should be qualified to act on behalf of the northern states. An apprehension of any such state of things as is pre-supposed by these remarks begins to subside, since it has appeared by the conduct of the general government that it is seriously alarmed at the menac-

ing attitude of the northern states. But although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedient to bring about hostilities. What these may be can only be deduced from what appears to be practicable. A *non-intercourse* with England and France will probably supersede the embargo; which, by opening with the rest of Europe a partial legitimate commerce, and affording strong temptations to that which is illegal, will expose the vessels to capture, detention and embarrassment; will justify the present policy, and produce such a degree of irritation and resentment, as will enable the government of this country to throw the whole blame and responsibility of war from its own shoulders upon those of the British ministry. If in this the party attached to France should calculate with correctness, and the commerce of New England should greatly suffer, the merchants being injured and discouraged, would not only acquiesce in the restrictive system, but even submit to war. On the other hand, should the small traffick permitted by a non-intercourse law be lucrative and uninterrupted, the people would be clamorous for more, and soon compel the government to restore the friendly relations between the two countries.

While I offer my opinion upon this subject, I cannot but express a strong hope, that if any terms should be proposed by either government to which the other might think proper to accede, that a principal motive to the adjustment of differences, should be understood to arise from the amicable disposition of the eastern states, particularly of the state of Massachusetts. This, as it would increase the popularity of the friends of Great Britain, could not fail to promote her interests. If it could not be done formally and officially nor in a correspondence between ministers, still, perhaps, the administration in the parliament of Great Britain, might take that ground, and the suggestion would find its way into the papers both in England and America.

It cannot be too frequently repeated, that this country can only be governed and directed by the influence of opinion; as there is nothing permanent in its polical institutions, nor are the populace under any circumstances to be relied on, when measures become inconvenient and burdensome. I will soon write again; and am yours, &c. A. B.

No. 7.

[In cypher.]

Boston, March 7, 1809.

Sir,—I have now ascertained with as much accuracy as possible, the course intended to be pursued by the party in Massachusetts that is opposed to the measures and politicks of the administration of the general government.

I have already given a decided opinion that a declaration of war is not to be expected; but, contrary to all reasonable calculation, should the Congress possess spirit and independence enough to place their popularity in jeopardy by so strong a measure, the legislature of Massachusetts will give tone to the neighbouring states; will declare itself permanent, until a new election of members; invite a congress to be composed of delegates from the federal states, and erect a separate government for their common defence and common interest. This congress would probably begin by abrogating the offensive laws and adopting a plan for the maintenance of the power and authority thus assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain; and I should seize the first moment to open a correspondence with your excellency. Scarce any other aid would be nec-

essary, and perhaps none required than a few vessels of war, from the Halifax station, to protect the maritime towns from the little navy which is at the disposal of the national government. What permanent connection between Great Britain and this section of the republick would grow out of a civil commotion, such as might be expected, no person is prepared to describe; but it seems that a strict alliance must result of necessity. At present, the opposition party confine their calculations merely to resistance; and I can assure you that, at this moment, they do not freely entertain the project of withdrawing the eastern states from the Union, finding it a very unpopular topick; although a course of events, such as I have already mentioned, would inevitably produce an incurable alienation of the New England from the southern states.

The truth is, the common people have so long regarded the constitution of the United States with complacency, that they are now only disposed in this quarter to treat it like a truant mistress, whom they would for a time put away on a separate maintenance, but without further and greater provocation would not absolutely repudiate. It will soon be known in what situation publick affairs are to remain, until the meeting of the new Congress in May, at which time also this legislature will again assemble. The two months that intervene will be a period of much anxiety.

In all I have written I have been careful not to make any impression, analogous to the enthusiastick confidence, entertained by the opposition, nor the hopes and expectations that animate the friends of an alliance between the northern states and Great Britain.

I have abstracted myself from all sympthies these are calculated to inspire; because, notwithstanding that I feel the utmost confidence in the integrity of intention of the leading characters in this political drama, I cannot forget that they derive their power from a giddy, inconstant multitude; who, unless, in the instance under consideration, they form an exception to all general rules and experience, will act inconsistently and absurdly. I am yours, &c. A. B.

No. 8.

Boston, March 9, 1809.

Sir,—In my letter, No. 6, I took the liberty to express my opinion of the probable effect of the non-intercourse law, intended to be enacted; and of the mode by which Great Britain may defeat the real intention of the American government in passing it. But as the sort of impunity recommended, might, in its application to every species of commerce that would be carried on, be deemed by Great Britain a greater evil than war itself, a middle course might easily be adopted, which would deprive France of the benefits resulting from an intercourse with America, without in any great degree irritating the maritime states.

The high price of all American produce in France, furnishes a temptation which mercantile avarice will be unable to resist. The consequence is obvious. But if instead of condemning the vessels and cargoes which may be arrested in pursuing this prohibited commerce, they should be compelled to go into a British port, and there permitted to sell them, I think the friends of England in these states would not utter a complaint. Indeed I have no doubt, that if, in the prosecution of a lawful voyage, the British cruisers should treat the American ships in this manner, their owners would, in the present state of the European markets, think themselves very fortunate; as it would save them the trouble and expense of landing them in a neutral port, and from thence, reshipping them to England, now the best market in Europe, for the produce of this country. The government of the United States would

probably complain, and Bonaparte become peremptory; but even that would only tend to render the opposition in the northern states more resolute, and accelerate the dissolution of the confederacy. The generosity and justice of Great Britain would be extolled, and the commercial states exult in the success of individuals over a government inimical to commerce, and to whose measures they can no longer submit with patient acquiescence. The elections are begun; and I presume no vigilance or industry will be remitted to ensure the success of the federal party. I am, &c. A. B.

P. S. Intelligence has reached Boston that a non-intercourse law has actually passed, and that Martinique has surrendered to the British forces.

No. 9.

BOSTON, March 13, 1809.

Sir,—You will perceive from the accounts that will reach you in the publick papers, both from Washington and Massachusetts, that the federalists of the northern states, have succeeded in making the Congress believe, that with such an opposition as they would make to the general government, a war must be confined to their own territory, and might be even too much for that government to sustain. The consequence is, that after all the parade and menaces with which the session commenced, it has been suffered to end without carrying into effect any of the plans of the administration, except the interdiction of commercial intercourse with England and France; an event that was anticipated in my former letters.

Under what new circumstances the Congress will meet in May, will depend on the state elections, and the changes that may in the meantime take place in Europe. With regard to Great Britain, she can scarce mistake her true policy in relation to America. If peace be the first object, every act which can irritate the maritime states ought to be avoided; because the prevailing disposition of these will generally be sufficient to keep the government from hazarding any hostile measures. If a war between America and France be the grand desideratum, something more must be done; an indulgent and conciliatory policy must be adopted, which will leave the democrats without a pretext for hostilities; and Bonaparte, whose passions are too hot for delay, will probably compel this government to decide, which of the two great belligerents is to be its enemy. To bring about a separation of the states, under distinct and independent governments, is an affair of more uncertainty; and however desirable, cannot be effected but by a series of acts and a long continued policy, tending to irritate the southern and conciliate the northern people. The former are an agricultural, the latter a commercial people. The mode of cherishing and depressing either is too obvious to require illustration. This I am aware is an object of much interest in Great Britain; as it would for ever secure the integrity of his majesty's possessions on this continent; and make the two governments, or whatever number the present confederacy might form into, as useful and as much subject to the influence of Great Britain, as her colonies can be rendered. But it is an object only to be attained by slow and circumspect progression; and requires for its consummation more attention to the affairs which agitate and excite parties in this country, than Great Britain has yet bestowed upon it.

An unpopular war, that is a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.

At all events it cannot be necessary to the preservation of peace, that Great Britain should make any great concession at the present moment; more especially as the more important changes that occur in Europe, might render it inconvenient for her to adhere to any stipulations in favour of neutral maritime nations.

Although the non-intercourse law affords but a very partial relief to the people of this country, from the evils of that entire suspension of commerce to which they have reluctantly submitted for sometime past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these states towards a revolution that would have put an end to the only republick that remains to prove, that a government founded on political equality, can exist in a season of trial and difficulty, or is calculated to ensure either security or happiness to a people. I am, &c. A. B.

No. 10.

BOSTON, March 29, 1809.

Sir,—Since my letter of the 13th, nothing has occurred which I thought worthy of a communication.

The last weeks of this month, and the first of April, will be occupied in the election of governours and other executive officers in the New England states.

The federal candidate in Newhampshire is already elected by a majority of about one thousand votes. His competitor was a man of large fortune, extensive connections and inoffensive manners. These account for the smallness of the majority.

In Connecticut no change is necessary, and none is to be apprehended.

In Rhode Island it is of no consequence of what party the governour is a member, as he has neither will nor military power, being merely president of the council.

In Massachusetts it is certain that the federal candidate will succeed.

A few weeks will be sufficient in order to determine the relative strength of parties, and convince Mr. Madison that a war with Great Britain is not a measure upon which he dare venture. Since the plan of an organized opposition to the projects of Mr. Jefferson was put into operation, the whole of the New England states have transferred their political power to his political enemies; and the reason that he has still so may adherents is, that those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence, that nothing can force him (or his successor, who acts up to his system or rather is governed by it) to consent to war. They consider all the menaces and "dreadful note of preparation" to be a mere finesse, intended only to obtain concessions from England on cheap terms. From every sort of evidence, I confess I am myself of the same opinion; and am fully persuaded that this farce, which has been acting at Washington, will terminate in a full proof of the imbecility and spiritless temper of the actors. A war attempted without the concurrence of both parties, and the general consent of the northern states, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace. It should therefore be the peculiar care of Great Britain to foster divisions between the north and south; and by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the democrats of this country.

I am, &c. A. B.

No. 11.

BOSTON, April 13, 1809.

Sir,—I send to Mr. R. a pamphlet, entitled "Suppressed Documents." The notes and comments were written by the gentleman who has written

the Analysis, which I sent by a former conveyance. These works have greatly contributed to excite the fears of the men of talents and property; who now *prefer the chance of maintaining their party by open resistance, and a final separation*, to an alliance with France, and a war with England. So that, should the government unexpectedly, and contrary to all reasonable calculation, attempt to involve the country in a measure of that nature, I am convinced (now that the elections have all terminated favourably,) that none of the New England states would be a party in it. But as I have repeatedly written, the general government does not seriously entertain any such desire or intention. Had the majority in the New England states continued to approve of the publick measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect, is changed; and a war would produce an incurable alienation of the eastern states, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial states should carry, and the agricultural states export their surplus produce. All this is as well known to the democrats as to the other party; therefore, they will avoid a war, at least, until the whole nation is unanimous for it. Still, when we consider of what materials the government is formed, it is impossible to speak with any certainty of their measures. The past administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness and duplicity. The spell by which the nations of Europe have been rendered inert and inefficient, when they attempted to shake it off, has stretched its shadows across the Atlantic, and made a majority of the people of these states alike blind to duty and to their true interests. I am, &c. A. B.

No. 12.

Boston, April 26, 1809.

Sir,—Since my letter No. 11, I have had but little to communicate.

I have not yet been able to ascertain with sufficient accuracy, the relative strength of the two parties in the legislative bodies in New England.

In all of these states, however, governours have been elected out of the federal party; and even the southern papers indicate an unexpected augmentation of federal members in the next Congress.

The correspondence between Mr. Erskine and the Secretary of State, at Washington, you will have seen before this can reach you. It has given much satisfaction to the federal party here, because it promises an exemption from the evil they most feared, (a war with England) and justifies their partiality towards Great Britain; which they maintain, was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson.

But the great benefit that will probably result from it, will be. that Bonaparte may be induced to force this country from her neutral position. Baffled in his attempts to exclude from the continent the manufactures of Great Britain, he will, most likely, confiscate all American property in his dominions and dependencies, and declare war. Nothing could more than this contribute to give influence and stability to the British party. The invidious occurrences of the rebellion would be forgotten in the resentment of the people against France; and they would soon be weaned from that attachment to her, which is founded on the aid that was rendered to separate from the mother country. While

Great Britain waits for this natural, I might say necessary result of the negotiation, would it not be extremely inexpedient to conclude a treaty with the American government. Every sort of evidence and experience prove, that the democrats consider their political ascendency in a great measure dependent on the hostile spirit that they can keep alive towards Great Britain; and recent events demonstrate, that their conduct will be predicated upon that conviction; it is, therefore, not to be expected that they will meet with corresponding feelings, a sincere disposition on the part of England to adjust all matters in dispute. They are at heart mortified and disappointed, to find that Great Britain has been in advance of the French government, in taking advantage of the provisional clauses of the non-intercourse law; and if they show any spirit at the next session of Congress towards France, it will be only because they will find Bonaparte deaf to entreaty and insensible of past favours; or that they may think it safer to float with the tide of publick feeling, which will set strongly against him, unless he keep pari passu with England, in a conciliatory policy. I am, &c. A. B.

No. 13.

BOSTON, May 5, 1809.

Sir—Although the recent changes that have occurred quiet all apprehensions of war, and consequently *lessen all hope of a separation of the states*, I think it necessary to transmit by the mail of each week, a sketch of passing events.

On local politicks I have nothing to add; and as the parade that is made in the National Intelligencer. of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain, is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence, I shall, (having nothing more important to write about) take leave to examine his motives. I am not surprised at his conditional removal of the non-intercourse law with respect to G. Britain; because it was made incumbent on him by the act of Congress; But the observations made on his friendly disposition towards Great Britain, is a matter of no little astonishment. The whole tenour of his political life, directly, and unequivocally, contradicts them; His speech on the British treaty in '99; His attempt to pass a law for the confiscation of "British debts" and British property; His commercial resolutions, grounded apparently on an idea of making America useful as a colony to France: His conduct while Secretary of State; all, form an assemblage of probabilities, tending to convince me, at least, that he does not seriously desire a treaty, in which the rights and pretensions of Great Britain would be fairly recognised. It seems impossible that he should at once divest himself of his habitual animosity and that pride of opinion, which his present situation enables him to indulge; but above all, that he should deprive his friends and supporters of the benefit of those prejudices which have been carefully fostered in the minds of the common people towards England, and which have so materially contributed to invigorate and augment the democratick party. Whatever his real motives may be, it is in this stage of the affair, harmless enough to inquire into the cause of the apparent change. He probably acts under a conviction, that in the present temper of the eastern states a war could not fail to produce a dissolution of the Union; or he may have profited by the mistakes of his predecessor, and is inclined to seize the present opportunity to prove to the world that he is determined to be the President of a nation, rather than the head of a faction; or he has probably gone thus far to remove the impression on the mind of many, that he was under the influence of France in order that he may, with a better

grace, and on more tenable grounds, quarrel with Great Britain, in the progress of negotiating a treaty. Whatever his motives may be, I am very certain his party will not support him in any manly and generous policy. Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. This is the character of the democrats in the northern states. Of those of the south I know but little.

I am, &c. A. B.

No. 14.

BOSTON, June 25, 1809.

Sir,—My last was under date of the 5th instant. The unexpected change that has taken place in the feelings of political men in this country, in consequence of Mr. Madison's prompt acceptance of the friendly proposals of Great Britain, has caused a temporary suspension of the conflict of parties, and they both regard him with equal wonder and distrust. They all ascribe his conduct to various motives, but none believe him to be in earnest.

The state of New York has returned to the assembly a majority of federal members. All this proves, that an anti-commercial faction cannot rule the northern states. Two months ago the state of New York was not ranked among the states that would adopt the policy of that of Massachusetts; and any favourable change was exceedingly problematical.

I beg leave to suggest, that in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by his majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission. While I think it to be my duty to give this intimation to you, I beg it may be understood that I consider myself entirely at the disposal of his majesty's government; and am, &c. A. B.

No. 15.

MONTREAL, June 12, 1809.

Sir,—I have the honor to inform your excellency, that I received through Mr. Secretary Ryland your excellency's commands to return to Canada; and after the delays incident to this season of the year in a journey from Boston, arrived here yesterday.

Your excellency will have seen by the papers of the latest dates from the United States, that a formidable opposition is already organized in Congress to the late measures of Mr. Madison; and it is very evident, that if he be sincere in his professions of attachment to Great Britain. his party will abandon him. Sixty-one members have already voted against a resolution to approve of what he has done; and I have no doubt the rest of the democratick party will follow the example as soon as they recover from the astonishment into which his apparent defection has thrown them.

The present hopes of the federalists are founded on the probability of a war with France; but at all events this party is strong and well organized enough to prevent a war with England.

It would be now superfluous to trouble your excellency with an account of the nature and extent of the arrangements made by the federal party, to resist any attempt of the government unfavourable to Great Britain. They were such as to do great credit to their ability and principles; and while a judicious policy is observed by Great Britain, secure her interests in America from decay. My fear of inducing a false security on the part of his majesty's government in their efficiency, and eventual

success, may have inclined me to refrain from doing them that justice in my former letters, which I willingly take the present occasion to express.

I trust your excellency will ascribe the style and manner of my communications, and the frequent ambiguities introduced in them, as arising from the secrecy necessary to be observed, and my consciousness that you understood my meaning on the most delicate points, without risking a particular explanation.

I lament that no occasion commensurate to my wishes, has permitted me to prove how much I value the confidence of your excellency, and the approbation already expressed by his majesty's minister. I have the honour to be, &c.

I CERTIFY, that the foregoing letters are the same referred to in the letter of H. W. Ryland, Esq. dated May 1st, 1809, relating to the mission in which I was employed by Sir James Craig, by his letter of instructions, bearing date February 6, 1809.

(Signed) JOHN HENRY.

No. V.

[COPY.] *Mr. Ryland to Mr. Henry.*

QUEBEC, May 1, 1809.

My Dear Sir,—The news we have received this day from the States, will, I imagine, soon bring you back to us, and if you arrive at Montreal by the middle of June, I shall probably have the pleasure of meeting you there, as I am going up with Sir James and a large suite. The last letters received from you are to the 13th April; the whole are now transcribing for the purpose of being sent home, where *they cannot fail of doing you great credit, and I most certainly hope they may eventually contribute to your permanent advantage.* It is not necessary to repeat the assurance that no effort within the compass of my power shall be wanting to this end.

I am cruelly out of spirits at the idea of old England truckling to such a debased, and accursed government, as that of the United States.

I am greatly obliged to you for the trouble you have taken, in procuring the books, though, if Spain fails, I shall scarcely have heart to look into them. I can add no more now, but that I am, most heartily, and affectionately, yours, H. W. R.

[COPY.] *Mr. Ryland to Mr. Henry.*

MAY 4, 1809.

My Dear Sir,—You must consider the short letter I wrote to you by the last post as altogether unofficial; but I am now to intimate to you, in a more formal manner, our hope of your speedy return; as the object of your journey seems, for the present, at least, to be at an end. We have London news, by the way of the river, up to the 6th March, which tallies to a day with what we have received by the way of the States. Heartily wishing you a safe and speedy journey back to us, I am, my dear sir, most sincerely, yours, H. W. R.

Have the goodness to bring my books with you, though I shall have little spirit to look into them unless you bring good news from Spain.

[Copy.] No. VI.

Mr. Henry's Memorial to Lord Liverpool, enclosed in a Letter to Mr. Peel, of the 13th June, with a copy of that Letter.

The undersigned most respectfully submits the following statement and memorial to the earl of Liverpool;

Long before, and during the administration of your lordship's predecessor, the undersigned bestowed much personal attention to the state of parties, and to the political measures in the United States of America.

* * * * * * * * *

Soon after the affair of the Chesapeake frigate, when his majesty's governour general of British America had reason to believe that the two countries would be involved in a war, and had submitted to his majesty's ministers the arrangements of the English party in the United States, for an efficient resistance to the general government, which would probably terminate in a separation of the northern States from the general confederacy, he applied to the undersigned to undertake a mission to Boston, where the whole concerns of the opposition were managed. The object of the mission was, to promote and encourage the federal party to resist the measures of the general government; to offer assurances of aid and support from his majesty's government of Canada; and to open a communication between the leading men engaged in that opposition and the governour general, upon such a footing as circumstances might suggest; and finally, to render the plans then in contemplation, subservient to the views of his majesty's government.*

The undersigned undertook the mission, which lasted from the month of January to the month of June, inclusive, during which period * * * those public acts and legislative resolutions of the assemblies of Massachusetts and Connecticut were passed, which kept the general government of the United States in check, and deterred it from carrying into execution the measures of hostility with which Great Britain was menaced.

For his services on the occasion herein recited, and the loss of time, and expenses incurred, the undersigned neither sought nor received any compensation, but trusted to the known justice and liberality of his majesty's government, for the reward of services which could not, he humbly conceives, be estimated in pounds, shillings and pence. On the patronage and support which was promised in the letter of sir J. Craig, under date of the 26th January, 1809, (wherein he gives an assurance "that the former correspondence and political information transmitted by the undersigned, had met with the particular approbation of his majesty's secretary of state; and that his execution of the mission (proposed to be undertaken in that letter,) would give him a claim not only on the governor general but on his majesty's ministers,") the undersigned has relied; and now most respectfully claims, in whatever mode the earl of Liverpool may be pleased to adopt.

The undersigned most respectfully takes this occasion to state, that sir James Craig promised him an employment in Canada, worth upwards of one thousand pounds a year, by his letter (herewith transmitted) under date, Sept. 13, 1809, which he has just learned has, in consequence of his absence, been given to another person. The undersigned abstains from commenting on this transaction; and most respectfully suggests that the appointment of judge advocate general of the province of Lower Canada, with a salary of five hundred pounds a year, or a consulate in the United States sine curia would be considered by him as a

* Vide the despatches of Sir J. Craig in June 1808.

liberal discharge of any obligation that his majesty's government may entertain in relation to his services.

Copy of a Letter to Mr. Peel, enclosing the foregoing.

Sir,—I take leave to enclose to you a memorial addressed to the earl of Liverpool, and beg you will have the goodness either to examine the documents in your office or those in my own possession, touching the extent and legitimacy of my claim.

Mr. Ryland, the secretary of Sir J. Craig, is now in London, and from his official knowledge of the transactions and facts, alluded to in the memorial, can give any information required on that subject. I have the honour, &c. (Signed) J. H.

June 13, 1811.

No. VII.

[Copy.]—*Mr. Peel, Secretary to Lord Liverpool, to Mr. Henry, dated Downing Street, June* 28, 1811.

Sir,—I have not failed to lay before the earl of Liverpool the memorial, together with its several enclosures, which was delivered to me a few days since by general Loft, at your desire.

His lordship has directed me to acquaint you, that he has referred to the correspondence in this office of the year 1808,[1] and finds two letters from Sir James Craig, dated April 10, and May 5, transmitting the correspondence that has passed during your residence in the northern states of America, and expressing his confidence in your ability and judgment; but Lord Liverpool has not discovered any wish on the part of Sir James Craig, that your claims for compensation should be referred to this country, nor indeed is allusion made to any kind of arrangement or agreement, that had been made by that officer with you.

Under these circumstances, and had not sir James Craig determined on his immediate return to England, it would have been lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission undertaken at his desire. Lord Liverpool will however transmit it to sir James Craig's successor in the government, with an assurance, that from the recommendations he has received in your favour, and the opinion he has formed on your correspondence, he is convinced the publick service will be benefitted by your active employment in a publick situation.

Lord Liverpool will also feel himself bound to give the same assurance to the Marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his lordship. I am, &c. (Signed) Robert Peel.

J. Henry, Esq. 27, *Leicester Square.*

No. VIII.

No other answer than a despatch to Sir George Prevost, and the letter marked B.

[Copy.] *Mr. Henry to Mr. Peel.*

27, Leicester Square. London, Sept. 4, 1811.

Sir,—I have just now learned the ultimate decision of my lord Wellesley, relative to the appointment which I was desirous to obtain, and find that the subsisting relations between the two countries forbid

[1] Doubtless 1809.

the creating a new office in the United States, such as I was solicitous to obtain. In this state of things, I have not a moment to lose in returning to Canada, and have taken my passage in the last and only ship that sails for Quebec this season. As I have not time to enter de novo into explanations with the gentleman who is in your office; and as I have received assurances from you, in addition to the letter of my lord Liverpool, of the 27th of June, that "his lordship would recommend me to the governour of Canada, for the first vacant situation that I would accept," I beg the favour of you, to advise me how I am to get that recommendation, without the loss of time. I have the honour, &c. J. H.

B. No. IX.

[This is the same as B. No. X.]

No. X.

[COPY.] *Mr. Ryland to Mr. Henry.*

TUESDAY EVENING, July 2, 1811.

Dear Henry,—It gives me real pleasure to find, that the apprehension I had formed, with respect to the fulfilment of your expectations, is likely to prove erroneous. As every thing which passed relative to your mission was in writing, I think you will do well in submitting to Mr. Peel all the original papers. I, myself, could give no other information relative to the subject, than what they contain, as you and I had no opportunity of any verbal communication respecting it, till after your mission terminated, and I never wrote you a letter in the governour's name which had not previously been submitted to his correction.

The impression I had received of your character and abilities made me anxious to serve you, even before I had the pleasure of a personal acquaintance with you, and the same desire has operated on me ever since; I am, therefore, entitled to hope, that any opinion which I may have given you as to your best mode of obtaining an employment under government, will be received with the same candour that gave rise to it. I think you will do well to persevere as you propose. I have no doubt that every letter from you, which Sir James sent home, will be found in Mr. Peel's office, as the established practice there is, to bind the despatches and enclosures, yearly, up together.

Sincerely wishing you every success, I am, &c.

(Signed) H. W. RYLAND.

B.

Lord Liverpool's despatch to Sir George Prevost, with its enclosures, dated Downing Street, Sept. 16, 1811.

Sir,—Mr. Henry, who will have the honour of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the publick service might derive from his active employment in any publick situation in which you should think proper to place him. I am, &c. (Signed) LIVERPOOL.

Accompanying the foregoing despatch were several documents which were printed in the preceding pages, reprinted in the official report in

connection with the despatch to show, not only that Henry's revelations were correct, but also that they were known and approved by the British home government. It is enough here to indicate them, as follows, numbers being as in the preceding pages:

No. I. Mr. Ryland to Sir James Craig, Jan. 26 1809.—*Ante*, p. 480.

No. II. Sir James Craig to Mr. Henry, Feb. 6 1809.—*Ante*, p. 481.

No. V. Mr. Ryland to Mr. Henry, May 1 and 4 1809.—*Ante*, p. 494.

No. VI. Henry's memorial to Lord Liverpool, June 13, 1811.—*Ante*, p. 495.

No. VII. Mr. Peel to Mr. Henry, June 28 1811.—*Ante*, p. 496.

Message from the President of the United States to the Senate, March 12, 1812.

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 10th inst. JAMES MADISON.

REPORT.

The Secretary of State, to whom was referred the resolution of the Senate of the 10th inst. has the honor to report, that this department is not in possession of any names of persons in the United States, who have, in any way or manner whatever, entered into or countenanced the project or the views, for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig; the said John Henry having named no persons or person as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted.

JAMES MONROE.

Department of State, March 12, 1812.

Extract from the Report of the Committee on Foreign Relations, relative to Henry, Craig, &c. March 19 1812.

Although they did not deem it necessary or proper to go into an investigation of the authenticity of the documents communicated to Congress on the responsibility of a co-ordinate branch of the government, it may, nevertheless, be satisfactory to the house to be informed, that the original papers, with the evidences relating to them, in possession of the executive, were submitted to their examination, and were such as fully to satisfy the committee of their genuineness.

The circumstances under which the disclosures of Henry were made to the government, involving considerations of political expediency, have prevented the committee from making those disclosures the basis of any proceeding against him. And from the careful concealment, on his part, of every circumstance which could lead to the discovery and punishment of any individuals within the United States, (should there be any such,) who were criminally connected with him, no distinct object was presented to the committee, by his communication, for the exercise of the power with which they were invested, of sending for persons and papers. On being informed, however, that there was a foreigner in the city of Washington, who lately came to this country from Europe, with Henry, and was supposed to be in his confidence, the committee thought proper to send for him. His examination, taken under oath and reduced to writing, they herewith submit to the house.

This man called himself Count de Crillon, and his testimony showed that Henry was in England at the time of his letter to Mr. Peel and

Liverpool's commendation of him to Sir George Prevost. The rest is a relation of what Henry had said to the witness.

March 11 1812, Augustus J. Foster, the British minister at Washington, wrote to Mr. Monroe, disclaiming "most solemnly, on his own part, the having had any knowledge whatever of the existence of such a mission," expressing his conviction that no countenance whatever was given by his associate British officers to any schemes hostile to the internal tranquility of the United States, and requesting the American government and Congress "to take into consideration the character of the individual who has made the communication in question," and "suspend any further judgment on its merits until the circumstances shall have been made known to his majesty's government."

Extract from the report, or manifesto of the causes and reasons of war with Great Britain, presented to the House of Representatives, by the Committee of Foreign Relations, June 3, 1812.

Your committee would be much gratified if they could close here the detail of British wrongs; but it is their duty to recite another act of still greater malignity than any of those which have been already brought to your view. The attempt to dismember our union, and overthrow our excellent constitution, by a secret mission, the object of which was to foment discontents and excite insurrections against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British government towards the United States: no act, however unjustifiable, which it would not commit to accomplish their ruin. This attempt excites the greater horror from the consideration that it was made while the United States and Great Britain were at peace, and an amicable negotiation was depending between them for the accommodation of their differences, through publick ministers regularly organized for the purpose.[1]

In the debate in Congress (House) on Henry's mission, James Fisk of Vermont quoted letters of Mr. Erskine, the British minister who preceded Foster, showing that he had "endeavored by the most strict and diligent inquiries into the views and strength of the Federal party, to ascertain to what extent they would be willing and able to resist the measures of the party in power;" and again, 15th of February, 1809, contemporaneous with Gov. Craig's employment of Henry, showing that a dissolution of the Union had of late, as he had heard, "been seriously contemplated by many of the leading people in the eastern division."[2]

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[1] *Amer. State Papers*, 1811–15, Boston edition of 1815, pp. 36–84, 160.

[2] *Benton's Abridgement*, Vol. IV. p. 519.

APPENDIX I.

DOMESTIC MANUFACTURES IN VERMONT.—1809.

June 7 1809, Congress by resolution directed the Secretary of the Treasury to prepare a plan for the application of such means as are within the power of Congress for the purpose of protecting and fostering the manufactures of the United States, together with a statement of the several manufacturing establishments which have been commenced. July 28 the Secretary issued a circular to the several States for the purpose of obtaining the desired information, and Oct. 25, on motion of Charles Rich of Shoreham, the General Assembly of Vermont appointed a committee of one from each county to prepare a statement of the manufactures of the State. Nov. 7 the committee reported as follows:

The committee raised by the resolution introduced by Mr. C. Rich, and directed to prepare a statement of the manufactures of this State, respectfully submit the accompanying report:

Counties.	*Cotton & Linen. No. Yds.*	*Woolen. No. Yds.*	*Clothier's Works.*	*Carding Machines.*	*Furnaces.*	*Forges.*
Bennington	84,100	62,900	11	9	1	3
Windham	120,000	100,000	24	16		
Rutland	170,200	143,040	26	18	3	6
Windsor	269,090	134,045	34	25		
Addison	127,600	107,200	15	13	2	15
Orange	177,000	177,000	19	19		
Chittenden	128,000	110,000	8	8		
Caledonia	135,000	110,000	12	10		
Franklin	32,600	40,400	7	10	2	2
Orleans	33,000	30,000	4	4		
Essex & G. Isle	28,960	27,860	3	3		
Amount	1,315,550	1,042,945	163	135	8	26

The above statement, (forges and furnaces excepted) exhibits a view of household manufactures only, which is the result of the best information your committee have been able to obtain. In the above statement of cloth may be added that of hosiery and almost every article usually made from wool, cotton, or flax, which, to an extent nearly sufficient for the common use of families, is manufactured in this state. It is also believed by your committee, that larger quantities of bar iron and hollow ware are manufactured annually than is sufficient to supply the inhabitants of this state; there are also 7 paper-mills which, in addition to

supplying our own citizens with paper, make very large quantities of that article for exportation. There are likewise 4 establishments for the manufacture of cotton and woolen goods in their various branches, which, though in their infancy, promise to be useful both to the owners and to the public. The copperas mine at Strafford likewise bids fair to yield a large supply of the important articles of copperas and vitriols. The marble factory, at Middlebury, yields annually a very large quantity of marble of various kinds, very little if any inferior to that which is imported from foreign countries, and promises to be profitable to the owners. The furnace and forge at Vergennes, which are included in the above statement, have been erected by a company from Boston. The furnace has been in blast for some time, and is said to yield from 60 to 70 cwt. of pig iron and ware each 24 hours. The forge is calculated for 8 fires, solely for the purpose of refining iron, all which fires it is expected will be ready to commence the business in a few weeks. The owners of these works have it in contemplation to extend them to the manufacturing of steel and ironmongry in their various branches. There is also a slitting mill at Vergennes, and one at Fairhaven, where the rolling and slitting of iron is carried on to a large extent, and it is believed with handsome profits to the owners. Your committee will only observe further, that omitting to enumerate the various other branches of mechanical business, which it is believed is carried on in this state, and progressing sufficient for the common use of the citizens, the foregoing presents a general view of the manufactures of this state in as correct a manner as the time and means allotted them would enable them to prepare—which is respectfully submitted by

JACOB GALUSHA, *for Committee.*[1]

The resolution of Congress was limited to manufactures, and under this head the committtee might well have embraced at least pot and pearl ashes, if not timber and lumber, which in fact were the most important articles exported to Canada in the neighborhood of Lake Champlain. Of agricultural productions, wheat and pork to a large amount were at this time sent to Albany from western, and to Boston and Portland from eastern Vermont. For a resolution of 1807, recommending the Governor, Council, and members of the House of Representatives to appear at the next session clothed in manufactures of this or other of the United States, see *ante*, p. 182, note 1.

[1] Printed *Assembly Journal* for 1809, pp. 64, 66, 127.

APPENDIX J.

CORRESPONDENCE BETWEEN GOV. TICHENOR OF VERMONT AND GOV. CRAIG OF CANADA—1809.

On the Suppression of Counterfeiting in Canada.

In General Assembly, Nov. 11, 1808.

Resolved, the Governor and Council concurring herein, That his Excellency the Governor of this State be, and he hereby is requested to make such communication to the Supreme Executive of the province of Lower Canada as in his opinion will be most likely to obtain the legislative aid of that Province to remove and disperse or otherwise punish that band of counterfeiters which infests the southern borders thereof and are constantly preying upon the property of the good citizens of this and the United States.

Read and adopted and sent to the Governor and Council for concurrence. Attest, M. Post, *Clerk.*

In Council Nov. 11th 1808.—Read and concurred.

Attest, William Page, Jun. *Sec.*

State of Vermont,
Secretary of State's Office, Windsor, June 5th, 1809.

I Thomas Leverett Secretary of State do hereby certify that the foregoing is a true copy of record.

In testimony whereof I have hereunto set my hand and seal of
[L. S.] office at Windsor this fifth day [of] June A. D. one thousand eight hundred and nine. Tho. Leverett.

Gov. Tichenor to Sir James Henry Craig.

State of Vermont, 26th June, 1809.

His Excellency, Sir James Henry Craig, Capt. General and Governor in Chief in and over the two Provinces of Canada, &c. &c. &c.

Sir,—Enclosed herewith I have the honor to transmit to your Excellency a copy of a resolution of the Legislature of Vermont, passed at their last session, which will explain the object of this communication.

Capt. Josiah Dunham, late of the United States Army, (in which for several years he held the place of civil and military Commandant of the Post of Michilimakinak) is the gentleman, whom I have thought proper

to appoint, to wait on your Excellency, and to have the honor of laying before you the subject, for your Excellency's consideration.[1]

From the alarming height, to which the evil complained of has arisen, from its very interesting nature to the Citizens of the United States generally, and particularly to those of the State of Vermont; and more especially from its so nearly affecting the relations of amity and intercourse, which ought ever to subsist between the two countries and their respective Governments, as well as from your excellency's well known liberal and enlightened views; I cannot but flatter myself, that the present application will meet your excellency's favourable notice and support.

In the abilities and integrity of MR. DUNHAM I repose ample confidence. He will be able more fully to explain the many weighty considerations, which, at this critical period, render so desirable an amicable arrangement between the respective Governments, on this important subject, and to his representations full credence may be given.

With all due consideration and respect, I have the honor to be, your Excellency's most obedient servant. ISAAC TICHENOR.

Gov. Craig to Gov. Tichenor.

MONTREAL, 12th July, 1809.

Sir,—I have received by the hand of Capt. Dunham, the letter, with which your Excellency honored me, enclosing a resolution of the Legislature of Vermont.

You do me justice, in supposing, that I would willingly lend my aid towards the suppression of the evil, which forms the subject of your letter. I beg leave to assure you, that the sense I entertain of the prejudice, which is done by it, to the Government of the United States, and the interests of individuals in them, would alone be a sufficient cause to render me anxious to put a stop to it: but I have an additional motive, in the conviction, that such practices have a direct tendency to injure the morals and to lessen the habits of industry of the people, among whom those reside, who practice them.

As the Law now stands, I fear we do not possess means adequate to the object in view, and, indeed, it has been this consideration, and the idea, that attempting, without being able to effect it, would rather serve as an encouragement than otherwise, that has alone hitherto prevented my taking any steps for bringing the persons concerned to punishment. Legislative assistance, in a new and more effectual law, is necessary; and had not particular circumstances prevented, it was intended to have submitted to the Provincial Parliament, during the last session, an act, founded upon that passed a few years ago in England, for the purpose. I trust that a more favourable opportunity will offer itself shortly, when I will not fail to make use of my best endeavors to accomplish an object, which I view as affecting our own interests, under the consideration to which I have before alluded, as founded upon the strict rules of moral justice, and as called for by the system of amity and friendly re-

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[1] JOSIAH DUNHAM established *The Washingtonian* at Windsor, July 23 1810, and published it until about 1816. He was an able editor, and zealous Federalist, and withal (says the Hon. Daniel Baldwin,) an elegant and accomplished gentleman. He was Secretary of State 1813–15. —*Thompson's Vermont*, Part II, p. 172; and *Vt. Legislative Directory*, 1876-7, p. 165.

lations, which it is so much the interest of both countries to uphold towards each other, and which it will always be my study to cherish and strengthen.

I have the honor to be, Sir, your Excellency's Most obedient Humble Servant, J. H. CRAIG.

His Excellency Isaac Tichenor, Esquire, Governor of the State of Vermont.

Josiah Dunham to Gov. Tichenor.

MIDDLEBURY, Aug. 17, 1809.

Sir,—Enclosed I have the honor to transmit you a letter from his Excellency Sir James Craig, in answer to the communication, which your Excellency was pleased to forward by me; and also another letter from the Hon. Judge Ogden.

Soon after my return from Canada, I had sat out to wait on your Excellency, at your seat in Bennington, for the purpose of delivering those letters in person, but being informed of your absence from home, I entrusted them to the care of our friend Mr. [Samuel] Swift.

I found Sir James Craig in Montreal; where I had the honor of being introduced by Mr. Sewall[1] the Solicitor General, and delivered your letters. The reception I met, and the civilities received, as well from his Excellency as from other leading characters there, were certainly flattering. On the business with which I had the honor to be entrusted by your Excellency, Sir James spoke with freedom and decision.

He seemed to think the request of our Legislature to be highly reasonable: and that an early and prompt attention to it would be calculated to promote the interests of both countries. He expressed a strong disposition to do every thing in his power to promote so desirable an object; and I have no doubt but his answer to the application will be satisfactory to your Excellency, and to the Legislature of Vermont. They will probably, at the next Session of their Provincial Parliament, enact such laws as will render highly penal the evil of which we complain. This will drive the villains from their country, or bring them to the gibbet.

Gentlemen of the first influence manifest a sincere desire to cultivate a spirit of harmony and commercial intercourse between Canada and the States, as mutually beneficial; and nothing, in my opinion, but a change of relations between the two governments will prevent complete success in the object of the mission.

With the most respectful consideration, I have the honor to be, Sir, Your Excellency's obedient and Very Humble Servant, J. DUNHAM.

Gov. Tichenor to Gov. Galusha.—Extract.

MONTPELIER, Oct. 13, 1809

The Legislature at their last session were pleased to make it my duty to apply to the Supreme Executive of the province of Canada, for the legislative aid of that government to "remove or otherwise punish" a set of men, who are resident in the southern borders of that government, and who are counterfeiting our Bank paper. The measures which I have taken to effect what I conceived to be the wish of the Legislature, and all the official papers on this subject, are contained in the bundle of papers No. 2.

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[1] Probably Jonathan Sewall, LL. D., a native of Cambridge, Mass.

It will give me pleasure to find that my proceedings in this business, shall be approved by the Legislature.

Permit me to congratulate your Excellency upon your appointment to the office of Chief Magistrate of this State; and to tender you, in great sincerity, my best services, in any matter that shall relate to the duties of your office, or that shall have a tendency to promote the interests of our Country. I am most respectfully, &c. &c. I. TICHENOR.

His Excellency Jonas Galusha, &c. &c. &c.

It is evident that this correspondence came into the possession of the State; but it was never officially published, nor even preserved. For the foregoing copies the editor of this volume is indebted to Dunham's *Washingtonian* of Aug. 13 1810. The editors in the Jeffersonian interest had charged that Dunham's mission was political, and to rebut this charge he printed the correspondence, adding that the mission was successful in obtaining the desired legislation from the Provincial Parliament of Canada. The necessity for it and importance of it will be appreciated on examination of the annual returns of that period of the criminal causes in the courts of Vermont. The returns from six counties in 1808 show sixty-one indictments for counterfeiting, or passing counterfeit money.

ADDITIONS AND CORRECTIONS.

ORIGIN AND CAUSES OF THE UNION OF NEW HAMPSHIRE TOWNS WITH VERMONT IN 1778 AND 1781.

For two years the editor of these volumes has had in his possession two of the three interesting and most important documents on this subject, which were communicated to the Continental Congress in 1779, but which could not be found in the archives of the State Department at Washington, and the printing of them was deferred in the hope that the third might be found. This hope has been more than realized, and now the documentary history of the Eastern Union, in contradistinction to the Western Union with New York towns, can be satisfactorily completed. For the "Observations on the right of jurisdiction," &c., printed in 1778, acknowledgments are due primarily to Rev. B. P. SMITH of Brookline, Mass., who found the three documents in the library of the Massachusetts Historical Society; for "A Public Defence of the right of the New-Hampshire Grants," &c., to Rev. H. A. HAZEN of Billerica, Mass.; and for all of the other following documents, to Rev. NATHANIEL BOUTON, D. D., of Concord, N. H., editor of the *Provincial and State Papers of New Hampshire*, who has indeed furnished all the documents in print from the sheets of a forthcoming volume of the *N. H. State Papers*.

Extract of a Letter from Hon. Meshech Weare to New Hampshire Delegates in Congress, dated

EXETER, Decem^{br} 16th, 1776.

GENTLEMEN—

"I enclose you an Address of Several Towns in the County of Grafton to the people at large (fabricated I suppose at Dartmouth College) and calculated to stir up contention & animosities among us at this difficult time: Especially as our Government is only temporary & the state of matters not allowing a Revisal. However this Pamphlet with the assiduity of the College Gentlemen, has had such an effect that almost the whole County of Grafton, if not the whole, have refused to send members to the new Assembly, which is to meet next Wednesday."

——[M. W.]——[1]

[1] *State Pap. N. H.*, Vol. VIII, p. 420.

[The following is an exact copy of the said printed Address:]

AN | ADDRESS | OF THE | INHABITANTS | OF THE | TOWNS | OF | PLAINFIELD, LEBANON, ENFIELD, (alias RELIHAN) CANAAN, CARDIGAN, HANOVER, LIME, ORFORD, HAVERHILL, BATH, and LANDAFF, to the Inhabitants of the several Towns in the Colony of NEW-HAMPSHIRE. | NORWICH:[1] | PRINTED BY JOHN TRUMBULL, M,DCC,LXXVI.[2]

THE | INHABITANTS | of a Number of Towns in the COLONY of *New-Hampshire*, to the PEOPLE of the several TOWNS throughout said COLONY.

FRIENDS AND BRETHREN.

THE important Crisis is now commenced wherein the providence of GOD; the Grand Continental Congress; and our necessitous circumstances, call upon us to assume our natural right of laying a foundation of Civil Government within and for this Colony.—Our anxious concern how the present time may be improved, whenever we are acting, not only for ourselves, but ages yet unborn; and on which the fate of posterity politically depends, imbolden us to address you in this manner upon the important subject. How many millions are there in the world, who would count nothing in this life, too dear to part with, if they might arrive at such a period: and yet how frequent are the instances, wherein such golden opportunities have been lost, principally through the inattention of the people: whereby ambitious and designing men have inshralled [inthralled] whole Kingdoms and Empires; and thereby brought them to ruin and destruction. The Tyrant would never rise, nor the Oppressor reign, were it not for the pusillanimous submission of the people, who have it in their power to prevent them, and ought to hold the reins of Government in their own hands. Freedom and liberty never can be lost, nor gained in the hands of Tyrants, but by the tame submission of the subject, or through their criminal neglect, or inattention: and are seldom if ever regained, but by bloody conflicts. Witness the present day. Who could have thought, even less than twenty years ago, that arbitrary power and oppression could have reigned predominant in one of the best constitutions (as supposed) in the world, in so short a time; but not more strange than true. This in part, may be accounted for by the parliament's giving up into the hands of the King such power and influence; but principally by the criminal neglect, if nothing worse, of the people; who have the right of constituting one main branch of the British parliament. It may be observed, as a self-evident proposition, that, whenever a people give up their right of representation, they consequently give up all their rights and privileges; this being the inlet or door to arbitrary power and oppression; therefore upon the present exigency of affairs, it behooves every individual, who is a subject of Government, to attend to the important business—see and act for himself. No one is excused, as we are all upon an equal footing, and all equally interested.—Therefore let us, like free born Americans, know our rights and privileges, and like rational men act up to our exalted character.—Let us not give occasion

[1] Norwich, Connecticut.

[2] A perfect copy of this address, printed as above, is in the Vermont State Library. It was formerly the property of Laban Gates.

to our neighbours or posterity to reproach us, by saying, that we made a glorious stand against the strides of arbitrary power, and oppression; and with our blood and treasure gained the happy conquest, but in the first advance we made towards establishing a constitution for ourselves and posterity, we either inadvertently or carelessly, gave up our most essential rights and liberties; or rather that we did nothing to preserve them.—Upon these considerations, Brethren, are we induced to treat with you freely upon this subject; which leads us to a particular inquiry into, and observations upon the present state and circumstances of the Colony.

And 1st. We shall all doubtless agree, that the former government of this Colony was in a manner absolute; perhaps more so than any of the united Colonies especially in point of representation, which was solely under the controul of the chief Magistrate of the Colony; and that it was owing to the goodness of the ruler that we did not feel the whole weight of the iron rod, that was thereby put into his hands: and also that the whole intention of the people now is to abolish the old, and form a new government upon a republican establishment, a design the most noble; a free people governing themselves by their own laws, &c. It will also be allowed no doubt, that as the Colony hath formerly been divided into Counties, Towns and districts, for the convenient and regular governing the same, they will still act as such. Therefore, if there was nothing more in the way, we should likewise be agreed to take the necessary step for a remedy in the case, which naturally arises; (viz) as the body is too large and numerous to act individually, that the people elect their Representatives, and appoint them a time and place, to assemble together, for the purpose of laying a foundation or form of civil Government, throughout the Colony. But we are not insensible that there are several objections and embarrassments in the way; and by many, perhaps, thought to be weighty and important; which, if removed, will clear the way for our unanimous proceeding. Therefore, we shall endeavor to consider, and remove them by fair and reasonable observation.

In the first place it will be objected no doubt, that there is now subsisting in the Colony, an Assembly, lately appointed by the people; who have formed themselves into a Council, and House of Assembly (as they stile themselves) and that said Assembly have already formed a plan for electing a new Assembly, this insuing fall, for the then insuing year: And, therefore, it would be preposterous, now to appoint a new Assembly, &c.——To which we answer, 1st. That, at the time, when the members of said Assembly were elected, the reasons, which make it now necessary that an Assembly should be appointed, did not exist: As the reasons for calling said Assembly then, and the purpose for which they were appointed, was only of a temporary duration: (viz.) to act in the exigencies of the Colony, under their distressed and difficult circumstances, as the case might require. No one we believe thought at that time, they were appointed to institute a lasting plan of Civil Government for the Colony; especially, independant of, and in contradistinction to the Crown of Great Britain; therefore they were not elected for the purpose; and consequently have not the power that an Assembly now ought to have.

A former Convention sitting in the Colony elected much as it chanced to happen under our then broken and confused circumstances, assumed to themselves the prerogative to regulate and determine how and in what manner the present Assembly should be elected, omitting some towns, uniting half a dozen others together, for the purpose of sending one member only; granting to some the liberty of sending one.

and to some towns two, and others three, confining the electors in their choice of a Representative to persons of £200 estate and so on, in that manner, as they of their sovereign pleasure thought fit to dictate, and accordingly thus sent out their precepts; in which way and manner the present Assembly were elected: By which means, many towns are deprived of any representation at all, and many others are so in effect: And therefore, the Colony is far from being properly represented. On this point we are acquainted, that those, who are in favour of the present Assembly, have much to say, though we apprehend but little to the purpose. It is argued in the first place, that when there is a number of towns, of which the inhabitants are not more numerous than some one other town, that it is not reasonable they should have a greater number of Representatives—To which we answer, 1. That the number of inhabitants in this case, in point of right, argues nothing in favour of the proposition; for every body politic incorporated with the same powers and privileges, whether large or small, are legally the same. We may with the same parity of reasoning as well argue, that a small body consisting of all the constituent parts of a man, is not a man; because there are others of the same species of a much larger size: Or that a person at the age of twenty one, is not legally capable of acting, because there are others of fifty or sixty, that can do no more.—The arguments may as well be applied in another case as follows, (viz.) That a person, of a large estate in a community, should have the privilege of voting equal to half a dozen others of small estates: Yet we believe even those that are most sanguine for the argument, will not insist upon it; although we cannot see if they gain the first, why they may not the latter. Notwithstanding, we do not deny, but the legislative body may, in point of prudence, grant to the large capital towns in the Colony some greater privileges in this respect, than the other towns have; but to unite half a dozen or more towns together, equally privileged, in order to make them equal to some one other town, is a new practice in politics. We may as well take the souls of a number of different persons and say they make but one, while yet they remain separate and different, as in a political sense to compound a number of different corporate bodies into one, and yet they remain distinct. The very idea destroys their being; but this manner of arguing is only begging the question: For even granting for argument sake, that it is reasonable that some one town in the Colony ought to have as large a part in the representative body, as half a dozen others, or nearly as a whole county; (which is the case in the present Assembly and that County too consists of above forty towns, the most of which are very considerably settled) yet our assertion holds good; (viz.) That no person or body corporate, can be deprived of any natural or acquired right without forfeiture or voluntary surrender, neither of which can be pretended in the present case: Therefore, they who espouse the argument, are necessarily driven to adopt this principle: (viz.) that one part of the Colony hath a right to curtail or deprive the other part of their natural and acquired rights and privileges, even the most essential, without their consent. The argument is so absurd, that we shall only say, that they who advance such doctrines, and maintain them, are rank Tories, in the modern sense of the phrase. If this principle must take place, we had better lay down our arms, and spend no more precious blood and treasure in the contest; for it is only destroying with one hand, and setting up the same thing or that which is worse with the other; they who will tamely submit to such a government as this, deserve not a cohabitation, amongst a free people. Besides, if there is any reason, why one town should have a greater share

of representation than another, it must be done by enlarging their privileges, and not by curtailing the others.

We proceed 2*dly*, to take notice of the proceedings of said Assembly, which we think will serve much to the removing the objection. 1. Observe, that the precepts issued out for calling said Assembly directed the people to elect Representatives to sit in Congress, with power, if thought advisable, to form themselves into a House of Representatives for said Colony; and the first step after they had thus formed themselves, was to elect, principally if not wholly, from among themselves, a certain number, called a Council, thus dividing the representative body into two parts, assuming the title of Council and Assembly of the Colony, &c.—How such a plan of formation came first into consideration, we leave for others to judge: For our part we think, that if it was necessary for part of the representative body to be set apart in that capacity, it was more necessary that they should have, in the first place, appointed some person, whom they might have had to counsel and advise. We can hardly think, that at the time of their election, the invention of their constituents so fruitful, or that they were by them thus instructed. Perhaps they might think they were imitating a neighbouring Colony, but the case is very different, as the other government acted by ancient practices and charters; but this was by mere institution.

2*dly*. It appears by their publications, that the next principal step was to settle the plan of representation for the future. Whereby they established their new mode of government; and for this purpose direct the people in the colony, in some future time, to elect twelve persons in the Colony to be a Council, (viz.) Five in the county of Rockingham; two in the county of Hillsborough; two in the county of Strafford; two in the county of Cheshire; and one in the county of Grafton: And as to the representative body, *that* is to be elected in such a way and manner, as the present Assembly shall see cause to direct. This precedent to us, not only appears novel and unintelligible, but alarming; for in all governments where the people elect their Council, they chuse them at large, without restrictions to any particular part of the Colony. It is true, there is a practice in the Massachusetts-Bay, which at first view seems to be somewhat similar, but essentially different; which is this, that upon their receiving their latest charter, there was a union of two antient governments; in settling of which it was stipulated between them, that there should be such a number of counsellors in one, and such a number in the other, and such a number at large; which in no way resembles the present case: And we might with as much propriety limit the Council to particular towns as counties.

2*dly*. We are at a loss by the modling of this Council, what they would be aiming at. At first view we should conjecture, that they intended to arrange them in such a manner, (according to their plan of representation) as equally to represent the people in the Colony; but when we observe the title they have given them, it appears this cannot be their intention; for by it they not only exclude them from the representative body, but even the Assembly itself—stiling them when acting in conjunction with the Representatives, *The Council and Assembly of the Colony*, &c. But we shall leave that matter for their future explanation, and only add, that if they are not part of the Assembly, they ought not to have a political being in the Colony.

3*dly*. It is alarming, in that it appears from the whole face of the thing, that monopolizing and aggrandisement are the principal objects in view; and that this new mode of government is a little horn, growing

up in the place where the other was broken off; for by this plan, the majority of the Council are to be chosen out of a part of the Colony; perhaps not more than one fourth part of the extension of inhabited territory in the Colony: And as the same power that formed the Council are to regulate the representative body, we may depend upon it that their conduct will be all of a piece so as to support their new formed and instituted body; as they have reserved to themselves the power of regulating this matter, as their wisdom and sovereign pleasure shall dictate. If they meant to establish a plan for future representation, why was it not put on some equal footing or rule, whereby the people might be able to judge of its propriety, and know when they acted upon it or not? But as the case now is, if any town or number of towns are neglected, or deprived of having a Representative, the only remedy is to go with a petition or complaint to the new erected house, praying for redress, &c. And what may be expected for answer? If it is rational it will be this only: that it was not the sovereign pleasure of the former Assembly that you should be represented; which will be a full answer. Pray where is the difference between this establishment and the former one, so much complained of, except that the Governor had the power in the former, and a number of persons in the latter. Much more might be offered, to obviate the objection, but we think what is said already is sufficient: And shall now proceed to some others. 2*dly.* It is objected by some, that a large and full representation will be more expensive, and a small number can do the business sufficiently.—To which we answer—by the same parity of reasoning we may say, that one man is sufficient to do the business, which will make a greater saving still, and so put out our own eyes, and trust to others to lead us. But remember, he that gave up his birthright for a small mess of pottage, had his fate into the bargain, that his brother should rule over him.—We believe this objection arises principally for want of a just estimate of so invaluable a privilege—the other Colonies have thought it necessary, and actually made it a precedent, that every incorporated town, or district, should be represented by one member at least, and generally two. And it may be observed, almost universally, that where there is a full representation, the people chearfully submit to whatever is done: But especially, in laying the foundation of Government, and establishing a constitution. We think it of the utmost importance, that every inhabited town have the liberty, if they please, of electing one member, at least, to make up the legislative body—As it may be much questioned, if any one distinct corporate body be neglected, or deprived of actual representation, whether, in that case, they are any ways bound, or included by what the others may do: Certainly, if they are considered in a state of nature, they are not: No, not even an individual person. But suppose it should be thought prudent at any time, by the legislative body, to restrict, or lessen the number of representatives; it is absolutely necessary that the whole should be active in the matter; in order to surrender their privileges in this case, as they cannot be curtailed without.

3*dly.* It will be objected perhaps by many, that to contend about this matter at the present time, will have a tendency to stir up division and contentions amongst the people, which would be fatal to the common cause, which so much depends upon our union, &c. This objection, at first view, appears important: But upon examination will vanish. We readily agree, that it is a thousand pities, that when we are engaged in a bloody contest, merely to oppose arbitrary power without us, we should have occasion to contend against the same within ourselves; especially by those who pretend to be friends of liberty.—We imagine that

this objection arises for want of due consideration. We are much mistaken in our views, if we are not proposing that, and that only, which will prevent contentions, and divisions taking place amongst us: And that which will have the most happy effect to unite us in indissoluble bonds of union and friendship. Certainly, if the observations, we have made, are just, the objections must cease in the mind of every reasonable person; for if we consider, that the great object we have in view, for which the present unnatural war is pursued between Britain and us, principally consists in this, that there cannot be any legislation or taxation without representation: Or in more explicit terms, That no person is, or ought to be subject to a law, which he had no hand in making; or to which he hath not given his consent; or that his property cannot be taken from him, but by his voluntarily giving it.—Now if the case under consideration be similar, (which we think very plainly appears) are we not pursuing the same general cause? the only difference is, we are contending against the same enemy within, that is also without: And certainly, if arbitrary power without us, ought to be rewarded with vengeance, that within ought to have seven-fold. Therefore, we are persuaded that every one who is a true friend to the liberties of mankind, and has any sense of his own or posterity's good, will think, that the cause well deserves a serious consideration, and speedy remedy.

If there were no steps taken towards settling a foundation of government in the Colony, we might more easily be excused at so difficult a time, as the present is: But to our surprise we find the plan already laid, and confirmed, as to the most essential part—by the present pretended Assembly.

4*thly*. PERHAPS it will be said by some, that the proper remedy in this case would be by petition and remonstrance to said Assembly for relief &c. To this we can say, that it was early done by several towns in the Colony; but to no purpose; as the petitions were rejected, and in a manner treated with contempt. Besides, if they represent but part of the Colony, and are not legally constituted, it is absurd to petition them as a legal body, to grant relief, especially, if in doing it they would destroy their own political being. The true state of the case is, that we have no legal power subsisting in the Colony, for the purposes, for which it is now necessary there should be: It is still in the hands of the people, to whom we address ourselves; and whom we call upon, to exercise the rights and privileges they have to erect a supreme legislative Court for the Colony, in order to lay a foundation and plan of government in this critical juncture of affairs: And that we no longer remain, as in a state of nature or anarchy; without law or government. Now is the time, when we may not only act for ourselves, and posterity, freely, and without controul—but we are called upon to do it; and if this opportunity be lost, we shall not have it renewed again, although we may seek it carefully with tears, when it is too late. The time has been, when we have petitioned and prayed to others, for this privilege, but to no purpose: And depend upon it, if we sleep on a little longer, we shall awake up under like circumstances. As for ourselves, we are determined not to spend our blood and treasure, in defending against the chains and fetters, that are forged and prepared for us abroad, in order to purchase some of the like kind of our own manufacturing.—But mean to hold them alike detestable. Therefore, Brethren, we refer the case, with what we have offered upon it, to your candid perusal—desiring, the same may conduce to the general good of the inhabitants of the Colony; which is the only motive exciting us hereto. And will only add that though we have no desire to dictate in the matter, yet as it is necessary some method be proposed by which the sentiments of different towns

may be known to each other, relative hereto; it is our desire in case any town, or number of towns, concur with us in sentiments as herein expressed; that they will communicate the same by letters directed to BEZALEEL WOODWARD, Esq; of Hanover, Clerk of the United-Committees, by whom the foregoing address is published; that we may be able to correspond on the subject; and that some measure may be pursued whereby our invaluable privileges may be secured.

Signed in behalf of the inhabitants of the towns before mentioned, by order of their Committee.

NEHEMIAH ESTERBROOK, *Chairman.*

Hanover, July 31, *A. D.* 1776.

BEZALEEL WOODWARD, *Clerk.*

N. B. The meeting of the above mentioned Committees stands adjourned to the second Thursday in October next, then to be held in the College Hall, in Hanover, at 10 o'clock A. M.

Sept. 30 1776, the legal inhabitants paying taxes in the towns of Hanover, Canaan, and Cardigan, were required to meet at Hanover and elect one person having a real estate of the value of two hundred pounds to represent those towns in the Assembly of New Hampshire. On the 27th of the following November they did meet and voted unanimously that the preceding address was truly expressive of their sentiments; and also that they would *not* choose a representative as directed in the precept of the Council and Assembly, for reasons substantially as set forth in the address.[1]

OBSERVATIONS ON THE RIGHT OF JURISDICTION CLAIMED BY THE STATES OF NEW YORK AND NEW HAMPSHIRE, OVER THE NEW HAMPSHIRE GRANTS (SO CALLED) LYING ON BOTH SIDES OF *Connecticut-River.* IN A LETTER TO THE INHABITANTS ON SAID GRANTS.

DANVERS: Printed by E. RUSSELL, at his printing—[cut off in trimming]. MDCCLXXVIII.[2]

FRIENDS AND FELLOW CITIZENS.

MY acquaintance with Your Political State and circumstances, and of the difficulties attending You, induces me to present You with the following Remarks and Observations, which, according to my apprehension, may serve in some measure to point out the way for a removal of them: And as my only design is to promote the Public Good, if it should have that effect, it will much more than compensate Your real Friend for his little pains.—You will observe, I have proposed to consider the Right of Jurisdiction claimed over You by the States of *New-York* and *New-Hampshire.*—In prosecuting which I shall begin with the Origin of that Jurisdiction, and pursue it down to the present time.

SHALL therefore begin by taking notice "that *King James* the First, by his Patent, dated November 3d, 1620, incorporated the Duke of

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[1] *N. H. State Papers*, Vol. VIII, pp. 421–426.

[2] A very rare pamphlet, found in the library of the Massachusetts Historical Society, Boston. It was printed at Danvers, Mass., in 1778, a appears in succeeding pamphlets.

Lenox, the Marquisses of *Buckingham* and *Hamilton*. The Earls of *Arundel* and *Warwick*, Sir *Fernando Gorges*, and thirty-four others, by the name of the Great Council, established at *Plymouth*, in the County of *Devon*, for the planting, ruling, ordering, and governing of *New-England* in *America*."———And grants to them and their successors and "assigns all that part of *America* lying and being in breadth from the 40° of northerly latitude from the equinoctial line to the 48° of the said northerly latitude inclusively, and in length of and within all the breadth aforesaid throughout the main lands from sea to sea, together also with all the firm lands, soil, grounds, havens, &c.———Provided always, that the said islands or any the premises by the said letters patent intended and meant to be granted be not actually possessed or inhabited by any other Christian Prince or State."

THIS Great Council established at *Plymouth* as aforesaid soon granted all the lands contained in their said Grant (as they supposed) to the several *New-England* Colonies, and resigned their Grant into the King's hands; and among the several grants they made, they granted to the ancestors of *Robert Mason*, Esq; his heirs, &c. a tract of land about twenty-four miles on the sea shore, extending back into the Country about sixty miles, commonly called *New-Hampshire;* which lands on the eastterly part of them next to the sea soon began to settle, but were much prevented by the Indian wars, and the settlers were under no regular form of Government, except that the *Massachusetts-Bay* in some measure exercised Jurisdiction over them.——In this situation they continued until after the restoration of Charles the Second, and in the sixth year of his reign a commission was granted to *John Cutts*, Esq; President of the Council established for the ruling and governing of said *New-Hampshire*, bounding it as follows, *viz.* "Lying and extending from three miles northward of *Merrimack*-River, or any part thereof unto the province of Maine (No. "E.") "— Afterwards, in said commission there is this further clause, *viz.* "And it appearing unto Us that the ancestors of *Robert Mason*, Esq; obtained Grants from our Great Council of *Plymouth* for the tract of land aforesaid, and were at great expence upon the same," &c.——Whereby it appears that said province of *New-Hampshire* as it was then bounded, and the grant to the said *Mason* was one and the same tract of land; under which form of Government said province of *New-Hampshire* continued until a commission was granted to *Benning Wentworth*, Esq; enlarging the extent of said province by including all the lands in said Grants on both sides of *Connecticut*-River, with power of granting them in the name of the King; and also right of Jurisdiction over the whole; which Governor *Wentworth* granted great part of those lands included in said Grant previous to the sixth year of the reign of *George* the third, when his said commission was revoked, and a commission granted to *John Wentworth*, Esq; to preside Governor over the same extent of Territory; who continued in his seat of government until the commencement of the present war, and then left it vacant.—These commissions are all the Grants that were ever made or given to said province of *New-Hampshire* relative to their Civil Government; and were held subject to alteration or revocation at the pleasure of the Crown; And the said *John Wentworth* while he presided Governor as aforesaid granted the remainder of the lands on said Grants; and in consequence thereof the Grantees have entered upon them and cultivated and improved them, extending from said former province of *New-Hampshire*, or said *Mason's* westerly line westward to *Lake-Champlain* or thereabouts; southerly to the north line of the *Massachusetts-Bay;* northerly to the *Canada line*. and easterly to the province of *Main*.

THESE Grants remained under the Government of *New-Hampshire* until about the year 1764; when a determination of the Lords of the Board of Trade and Plantations was obtained by the province of *New-York*, that the Jurisdiction of the Grants west of *Connecticut-River* should be under *New-York;* at the same time confirming and approving those Grants by Governor *Wentworth* as aforesaid.

IN this situation the Government on those Grants continued until the commencement of the present war; since which the several Conventions and Assemblies of the State of *New York* claim Jurisdiction over those Grants west of *Connecticut-River*, and the Conventions and Assemblies of the State of *New-Hampshire* claim Jurisdiction over the Grants east of said River, notwithstanding the refusals to submit and repeated remonstrances against said claim.——In order therefore to examine the justice of them, it will be necessary to consider them distinctly and apart.

AND First,—All the right that ever *New York* had, either to the Soil or Jurisdiction of those Grants west of *Connecticut-River*, came by virtue of the Royal Grant to the Duke of York; this is the only basis of the extent of said Province or State of *New-York*, except the decree of the Board aforesaid. It will be necessary therefore in this inquiry to recite part of said Royal Charter, so far as it relates to the bounds and limits thereof, together with date, &c.——But before we proceed shall take notice that at the time of the Grant made by King *James* to the Council established at *Plymouth* as aforesaid, the *Dutch* and *Sweeds* were in possession of *New York*, *Albany* and part of the *Jersies;* and about that time or a little after and before 1653 there was a settlement of some *French* at a place called St. *Croix* near to *New-Scotland* (alias) *Nova-Scotia* (and a few families of *Dutch* settled at *Hartford* on *Connecticut-River*, which settlement at *Hartford* was evacuated long before the Grant to the Duke of *York*, and all pretensions to any claim on *Connecticut-River* given up.) I now proceed to observe that in 1664 (there being a war between the *English* and *Dutch*) King *Charles* meditated sending a force to cause the Dutch to surrender the lands by them possessed on *Hudson's River*, and on the 12th of March, 1664, by his letters patent "Gave and granted to his Royal Brother *James*, Duke of *York* all that part of the main-land in *New-England*, beginning at a certain place called and known by the name of St. Croix next adjoining to *New-Scotland* in *America*, and from thence extending along the sea coast unto a place called Peroniquie or *Piemiquid* and so up the River thereof to the furthermost head of the same as it tendeth northward, and extending from thence to the River Kenebeque and upward by the shortest course to the River *Canada* northward; and also all that island or islands commonly called by the several name or names *Mattawacki* or *Long Island*, situate, lying, and being toward the west of *Cape-Cod* and the *Narragansett*, abutting up the main land between the two Rivers there called and known by the names of *Connecticut* and *Hudson's-River*, and all the land from the west side of *Connecticut-River*, to the east side of *Delaware-Bay.*——And also all those several islands called or known by the names of *Martin's Vineyard* and *Nantucks*, otherwise called *Nantucket*, together with all the lands, soils, islands, &c. and all the estate, right, title, interest, benefit, advantage, claim and demand of, in, or to the said lands and premises, or any part or parsels thereof."——'And at the same time gave a commission to Colonel Richard Nichols to dispossess the *Dutch* and take possession thereof in behalf of his Brother the *Duke* of *York*, which was accordingly executed in the month of August 1664, and Colonel Nichols remained in the Duke's Government three years, and in June 1670 the *Dutch* Government was again revived and

continued until 1674 on a treaty of peace signed at Westminster in February. The *English* Government was restored, and on the 29th of June 1674 his Royal Highness the Duke of *York* obtained from the King a new Patent of the same lands and territories in the same words with the former differing only in the date.'

HAVING thus far recited the bounds and limits of the Grant to the Duke of *York*, which is all that can be claimed in favor of the present State of *New-York*, as to the extent of their Jurisdiction as being patentees or Assignees to the Duke, I shall now proceed to consider in a legal and rational point of light, and show that by a fair construction it cannot be supposed to include those Grants or any part of them west of *Connecticut-River*.—Therefore, in the first place take notice that two thirds or more of the lands and territories literally contained in the Duke's Grant were so obviously absurd (as to its holding them) that all pretensions of claim to them have been laid aside from the beginning; and scarcely any part thereof is holden according to the literal and express words of the Grant.—This therefore makes it necessary to inquire upon what principle or construction they do or can hold?—I answer by the reserve made in the Grant of King *James* to the Council established at *Plymouth* as before recited, *viz.* "All lands, &c. *in the possession of some other Christian Prince or State;*" and had it not been for this proviso or reserve the Duke would have taken nothing by his Grant: For all except this was granted to the Council of *Plymouth*, and by them regranted, &c.—Therefore the fair construction of the grant must be that it includes all the lands within the limits of *New-England* that were in the possession of *some Christian Prince or State other than the King of England* at the time of granting to the Council of *Plymouth* as aforesaid, and no more.—Consonant to this construction has been the practice and proceeding of all parties concerned from the beginning: To this we may observe that the subduing the *Dutch* in order to obtain possession for the Duke was as early and even coeval with the Grant itself. —And when the *Dutch* had revolted from under the *English* government and were a second time brought under subjection the Duke applied for a second Grant of the same land which plainly shews he was apprehensive that his first Grant was lost by the revolt of the *Dutch;* and also that the lands they were in possession of, and which they claimed, were the lands and territories contained in his Grant; agreeable to this have been all the settlement of the limits and boundaries of this Grant by the Duke, his Patentees, or Assignees with the other Colonies adjoining to to them from first to last.—Also the bounds and extensions of this Grant clearly show that this was the intent of it.—For observe, the Grant expressly extends to every part of *New-England* where there had been any settlement of any foreign nation, though ever so remote from the main object, *viz. New-York;* which cannot be rationally accounted for but upon this principle, *viz.* to include all the lands that were reserved as aforesaid. MUCH more might be said to establish this construction of the Grant, but I think what has been assigned is sufficient, at least for my present purpose: And therefore shall only observe, that if this construction be true, and there was no settlement or claim of the *Dutch* or any other Christian Prince or State other than the *English* on or near *Connecticut-River* at the time of granting to the Council of *Plymouth* or the Duke of *York*, there can be no pretensions of extending said Grant to *Connecticut-River* or any part thereof.

I SHALL observe once more, that even by the literal expressions in said Grant or Patent it cannot be supposed to include those lands; for the only clause in said Grant that can be pretended to include the lands on which said Grants are is this, *viz.* "And all the land from the west

side of *Connecticut-River* to the east side of *Delaware-Bay.*"—Now all the lands that may be fairly said to lie between those two extremes may be said to be included by that clause, and those lands which cannot be said to lie between those boundaries, cannot be said to be included, although they may be said to lie west of *Connecticut-River:* For observe by the expression they must lie east of Delaware-Bay as well as west of *Connecticut-River.*—Therefore for trial's sake let us suppose a line drawn from the mouth of *Connecticut-River* to the east side of *Delaware-Bay* even to the northern extent of it.—This I believe without dispute would leave all or nearly all the lands on the main west of *Connecticut-River* to the north; this construction therefore won't answer: Then let us suppose a line drawn from the head of said River to the east side of *Delaware-Bay*, and then the lands on those Grants will still lie westward, and not be included: There is therefore but one way that I can possibly think of that will comport with the phrase and include the lands in question: and that is to extend *Delaware-Bay* in the same degree of longitude that it is now in as far north as the head of *Connecticut-River*, and then all the lands west of *Connecticut-River* and east of *Delaware-Bay* would be included by that clause so as to take in the lands on the said Grants; such a construction every unbiassed mind will reject.—I shall therefore dismiss this point relative to the right of jurisdiction merely by the extent of said Grant, and proceed to the consideration of it in a different view: For whether the lands on those Grants are included in the Grant to the Duke of *York* or not, the fee of them has been granted by the Crown to the present Grantees and since confirmed to them; so that Jurisdiction is the only matter in dispute. The light in which I shall now consider this right is relative to the decree of the Lords of Trade and Plantation before mentioned, which, I suppose, is the greatest right that can be urged in favor of the claim. And in this point of light I consider all the grants upon equal footing: For as to any connexions by grant or charter either with the State of *New-York* or *New-Hampshire*, I have observed there is none, except royal commissions to Governors in the one case, and a decree of the Lords in the other, that can be challenged as giving them a right to exercise Jurisdiction in this case. Let us therefore consider what the nature and design of these commissions to exercise Jurisdiction over particular territories and extent of lands are.

1st. THEY are altogether exparte, without the privity, knowledge, or consent of the People governed; for they never know by whom or in what manner they are to be governed until the commission be published.

2d. THEY are held only at the pleasure of the Crown; and that too by being liable to alteration at any time as the Crown shall see fit.

3d. IT is an express command to the subjects to submit and obey; this is all the People can claim any right to: In short it amounts to this; do you A. B. or C. exercise government or rule over my subjects in such a place during my pleasure according to such and such rules, and such others as I shall give you from time to time; and do you my people as subjects obey according.—I ask in this case what act or choice the people have in this jurisdiction any more than a company of slaves have in a plantation under the government of one driver to-day and a new one to-morrow? Those who think this is pointed too high are desired to read either of those Governor's commissions at their leisure. ——Therefore what absurdity is it to urge that since this oppessive arm of power is broken, and the oppressed set at liberty to govern themselves, that therefore one part has right of Jurisdiction over the other part merely because they were once under the same master by mear

compulsion; that this is the case relative to the People on these Grants is clear and indisputable, for this jurisdiction has been changed twice if not three times in the course of twelve or fourteen years without the least of their privity or consent. Such Jurisdictions as these therefore never bind a people together any longer than the force that first compelled continues over them, and when that ceases they in point of social compact revert to a state of nature. No part in this case can claim right of jurisdiction over the other without claiming power from the same fountain. One thing more enters into the consideration of this right which I shall take notice of in this place; and that is the local situation of the people in a particular state or Jurisdiction; when they are so situated that they cannot attend upon the matter of Government that concern them with any tolerable convenience, it becomes necessary for an alteration of the extent of such Jurisdiction. Otherwise the design of Government would be entirely frustrated. I know in Governments when the people had little or nothing else to do but to obey Royal Mandates, &c. the more remote they were from the seat of government the better; but in Republican States it is otherwise; there every one has more or less to do, and therefore ought to be so situated that he can act his part, otherwise he has no share in the Government. When any part of a State is so situated that the Inhabitants cannot attend upon the matter of Government within the State with any tolerable degree of convenience, this ill effect will always follow, *viz.* That they will grow remiss and negligent, and thereby expose themselves to be overreached and oppressed by the other part.

From what has been said therefore relative to the right claimed by *New-York* and *New-Hampshire* over the said Grants on account of these Royal Commissions or Impositions, it is clear and plain that it is altogether founded in force and compulsive power, and not in compact and agreement, which power upon the Declaration of Independence of the United States became null and void, and therefore, there being no compact or agreement of the People whereby they became united with either of those States, they in that case reverted to a State of nature as to Government, and stand entirely unconnected with them. This being the case, necessity, the Providence of God, your own interest and prudence call upon you to put yourselves into a state of Government either by connecting with some State already formed, or by erecting yourselves into a new and distinct State. If you have already pursued all reasonable measures for a Union with some other State to no effect, or your local and other circumstances are such as render it extremely difficult if not impracticable to be united with any State already formed, your indispensible duty is to form yourselves into a distinct State, and that without delay. The common cause in which we are all embarked, your interest, and especially that of the orphan and widow, and your morals suffer by the delay.—But doubtless there will be objections arising in the minds of some against proceeding at this time: I will therefore endeavor to mention the most material and answer them. And

1st. It will be objected that you are not of sufficient ability to support and maintain Government.—To this I would only say, you are much more able in any respect than any of the United States were when they first began their respective Governments.

Objection 2d. We have not yet fully established our Independence; let us finish that matter first, and then see about erecting new States, &c.—To this I would answer, The only way to vanquish our inveterate Enemy and support our Independence is first to regulate and settle matters at home; for while things remain in confusion among ourselves, we may expect they will be so throughout: Hence ariseth the difficulty of

raising our army, equiping, cloathing them, &c.—And further as the United States are all settled and settling their plans of Government, for you to be still or in part to act with them until all things are settled, and then break off and set up a new State would be imposing upon and dealing deceitfully with them: Besides you will thereby give up your natural right of forming into a State of Government, and lie at the will of those with whom you have acted, whether you shall have the liberty or not. Therefore now is the time either to go forward and act on the affair or give up all pretensions of ever doing anything about it hereafter. In addition to this you may be assured that whoever lives to see matters abroad fully settled respecting the present dispute will also see greater altercations and sharper contests about our internal police and domestic affairs, if they remain unsettled until that time, than we have yet seen, or men and things will be much altered from whatever they have been.

BUT I pass to another Objection, *viz.* That there is no supreme power yet erected by the United States to make and grant Jurisdiction to any new State, and therefore it cannot now be done.—I answer it is true there is no such power yet erected, and I pray GOD there never may be; for should there be such a power established, these Republican States would thereby become a Monarchy.—It will be asked then, why was it that all States or Bodies Politic heretofore obtained Jurisdiction from the Crown before they pretended to exercise Government? And if necessary then why not now from some supreme power? The reason is this, the King of *Great-Britain* was Lord of the fee, and Chief Magistrate of all executive power throughout his dominions; therefore all Government was exercised in his name and by his authority. This will therefore lead us to inquire from whence this power of Jurisdiction must now arise? I answer from the People who are to be the subjects of this Government, the true and Original Source of all Government, there is nothing more or less that can give one man right to rule and exercise Government over another but his agreement and consent thereto; therefore all that is necessary to give any body of men power or right to exercise Government in and over themselves, is their mutual compact and agreement for that purpose.—When this is done they have all the power they can or ever will have from any true source or fountain; nay they are not under the necessity of asking liberty of any other power thus to confederate together, &c.—Neither is there any power on this Continent (except Lord or General *Howe*) that will pretend either to give leave or forbid in this case; therefore the objection is of no force.—It will be asked then whether upon a new State being formed on this Continent or (we will say) on these Grants, they have anything to do with the United States in order to be a complete State for Civil Government? I answer as to their internal police or Civil Government simply considered they have not; but in a relative sense they have; and in this way, when they once become a distinct State or Body Politic then they are a proper member or body to be treated with and received into Union and Confederation with this great and Aggregate Body, and not before: In this way only can they become one of the United States, *viz.* by the United States agreeing to receive, and the particular State agreeing to unite with and submit to the terms and conditions of this Aggregate Body. Thereby they become a proper subject of its controul and Government. —Thus you may plainly see that all Government from the highest to the lowest is founded in compact. But methinks these observations will produce the curiosity to know in what point of light this particular State would be considered, when formed and presented to the United States for acceptance, should it then be rejected? I answer the United States

would treat them as a neighbor according to their behavior: For although they should not receive them they cannot in justice annihilate them, because they having never been connected with them, are not under their power or controul. Therefore if they behave as an honest Neighbor they will treat them accordingly, but if their conduct should be inimical to the United States they will be treated as enemies. This doubtless would be the case.

THUS, Gentlemen, in a brief manner I have endeavored to point out your political situation and circumstances, and your duty relative thereto. I shall therefore close with a word of advice; and that is, if you should think it expedient upon what has been observed to proceed in forming a distinct State, by all means be unanimous and consider yourselves on these Grants as being all on the same foundation. Act together as one collective body so situated by the Providence of GOD, as clearly point out the necessity and convenience of your being united in a distinct State.—Therefore divisions among yourselves either by rivers, mountains or the like may prove fatal; especially in respect to your acceptance and approbation by the United States, &c. Much will depend on your joint and unanimous proceedings; I therefore submit the whole to your candid perusal:

And am, Gentlemen,

Your most obedient and humble servant,

REPUBLICAN.

JANUARY 6, 1778.

POSTSCRIPT.

Containing OBSERVATIONS wrote since the Publication of the ARTICLES of CONFEDERATION of the UNITED STATES OF AMERICA.

SINCE my finishing the foregoing I have had opportunity to peruse the proposed Articles of Confederation of the United States, and think it necessary to make some Observations on the second and ninth articles, which I conceive are of importance to consider, especially as to the proper time for your Uniting and forming into a distinct State, &c. —You will take notice that by the second article "Each State is to retain its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by the Confederation expressly delegated to the United States in Congress assembled."

YOU will observe also that in the ninth article provision is made for the hearing and determining matters of dispute between any two or more States relative to Jurisdiction, boundary, or any other matter whatever; but no provision for Congress to hear or determine any matter of dispute between one part of a State and the other; but are prevented by the second article.—Neither is there any provision for Congress to interpose relative to dividing any State or States, for the purpose of erecting a new State or Jurisdiction, or of transferring any part of one to the Jurisdiction of another, &c. This matter is left to each particular State to determine as they shall think proper: This is agreeable to what I before observed, that as to erecting particular States or Jurisdictions the United States in Congress had nothing to do, neither would they intermeddle in those matters.—Therefore all the particular States as to their Powers, Jurisdictions, and Rights as they are or will be when the Confederation takes place and Government is settled in the respective States will be unalterably established and must so remain as long as the Confederation lasts, unless they shall see fit to alter themselves, the probability of which I leave every one to judge who knows that men

and bodies of men are governed by self-interest.—This I think a sufficient answer to those who are for putting off the affair until all public matters are settled, and then enter upon making new States, &c. They in that case will be told it is now too late; this consideration therefore will make it necessary to enquire more particularly what steps are prudent to be taken by the Inhabitants living on the Grants east of *Connecticut-River*, especially as we find the present assembly of *New-Hampshire* "have directed the several towns and districts if they see fit to instruct their Representatives at their next sessions to call an Assembly by a full and free election to convene together for the sole purpose of establishing a permanent plan of Government for the State," and therefore many will say perhaps such a plan will be settled as will give satisfaction to all parties concerned: And further that it is our indispensible duty to assist in forming this plan in order if possible to have it so done that we may be satisfied, but if after all we cannot obtain such a plan as appears to us just and equitable we will not connect with them but seek after connections somewhere else.—But let me tell you my friends that whatever town or district undertakes to act in forming a plan of Government for the State, when once the plan is formed and settled, be it what it will, like or not like it, they are as effectually bound by it as if they had made it altogether themselves; for you cannot act in the least without first uniting, and when once united, whatever that Body does will be considered as your act as much as theirs.—Therefore if you consider yourselves now unconnected, and that it is your duty and interest to seek after connection with them, and still retain liberty in your own hands until such time as you can agree to unite, the only proper way is, to propose such terms as you are willing to unite upon, and if agreed to then a union may properly take place; but if not agreed to, then you are at liberty to act otherwise as you think proper. Therefore every one may know for certain if he once begins to act in this affair he must abide the consequences, for *having put his hand to the plough he can't look back.* —I urge this the more not to dissuade those who think it their duty and interest to seek after connection, but that they may act with their eyes open, and not dabble in those matters, and afterwards complain that they are unjustly dealt with; therefore all such as are willing to join with said State in forming a plan of Government, and run the venture of obtaining such an one as may be agreeable, let them join, they have a right so to do.—But those that are not, if they intend to keep their hands at liberty by no means ought to meddle in the least.—And as things seem to be ripening fast to a settlement relative to governmental affairs whatever ought to be done ought not to be delayed.

FINIS.

An Address to the Inhabitants of the New-Hampshire Grants (so called) lying westward of Connecticut River.

[By Hon. TIMOTHY WALKER, Concord, N. H.][1]

FRIENDS AND FELLOW COUNTRY-MEN.

The occasion of my addressing you at this Time, is the sight of a very insignificant Pamphlet. the other Day thrown in my way, intitled Ob-

[1] The copy was was furnished to Dr. Bouton, editor of *N. H. State Papers*, by JOSEPH B. WALKER, Esq., of Concord, grandson of Judge Walker, who was a member of the Council of New Hampshire in 1778.

servations &c. relative to your affairs. lately printed at Danvers, by E. Russel.

I should not think this performance worthy of the least Notice, but that I am certainly informed, that it is circulated up your way, on both sides of the River, and is much relied upon, and has a great effect in misleading the less knowing and judicious, and betraying them into dangerous errors, both in Judgment and Practice, destructive of the Public Welfare.

Were we to judge of the Author's design by his Introduction, and indeed, by the bulk of his performance, we should suppose that (however vague and ineffectual it is to any such purpose) he proposed to offer something of use for your direction and assistance, in your endeavors to extricate yourselves from the many Troubles and perplexities you have, for a number of years, been embarrassed with, in consequence of your subjugation to the Government of New York. But by some scattered Hints through the whole, and, especially the last page of his Postscript, I am led to judge that the author's principal view, was to pave the way, and facilitate the introduction of a number of Towns on the east side of the River Connecticut into your new forming State.

My design is, to offer some things to your consideration, which, if they shall appear of equal weight to you, as they do to me, I imagine you will judge them sufficient reasons to bar such a coalition. The author's labored pretense to trace the two Provinces of New York and New Hampshire from their origin, which take up so much room in his performance, serves no other end that I can perceive, than to show his own gross ignorance in those matters; for, whatever title the Duke of York had, either with respect to soil or jurisdiction, in any part of America, either as a Patentee under his Brother, or afterwards in his own Right, as King, he soon lost it all, together with his Crown, by his misrule; and New York, ever since the Revolution,[2] (be its bounds where they may) has been considered as a Royal Government in contradistinction from the Charter and Proprietary Governments.

No less Ignorant does he seem to be, with respect to the origin of New Hampshire, which, as far as respects Jurisdiction, was, from the beginning, a Royal Government; Capt. John Mason, by several Grants from the Council of Plymouth, had all the land assigned him, between Salem River and Piscataqua River, and sixty miles up into Land; to which he gave the name of New Hampshire, but it was not in the power of that Council to give him Jurisdiction over an Inch, so that, his distinction between Mason's New Hampshire and the King's New Hampshire, is the most idle whim that ever entered into the Head of an enthusiast in Politicks.

No less ignorant does he seem to be of the English Constitution and mode of expression, where he speaks of "a Decree of the Board of Trade," as the foundation of your subjugation to the Government of New York. The Board of Trade pass no decrees in such cases, but act as a sort of Committee, who are to enquire into all circumstances of any affair submitted to their cognizance, and to report to the King and Privy Council their opinion what is best to be done.

But, to pass over this and some other Things as of little or no importance, and come to matters of Fact: New York, ever since the Revolution, and New Hampshire from the beginning, had been considered as Royal Governments; and there, I suppose, both Lawyers and Politicians, in both Englands, are agreed, that the King's Commission is the

[2] That is, in England, 1649.

Magna Charter, or rather the vivifying Principle that puts life into the Constitution, as well as determines its Limits and many other circumstances; and now, as the boundaries of these two Provinces, as far as they bordered upon the Charter Governments, had been ascertained, so when these were passed by, the place where the two Royal Governments were to meet had not been plainly and explicitly determined. until the year 1764, or thereabouts;—that is, the King had never told his governor of New Hampshire, in express terms, how far west he should go, and there stop, nor his Governor of New York how far East he should go and then cease, until the Aera last mentioned.

Now, this being the case, it was by the English Constitution a matter of mere prerogative, that is, it was in the King's Power, to fix this line where and as he pleased; but this, as all acts of Power, should be guided by Wisdom, conducted by Justice, and tempered by Goodness. Now, I suppose, it was the want of these amiable attendants of Power, in this instance of its exertion, that is the principal ground of your complaint; that is, you were, in a manner contrary to all good Policy, and subversive of the very end of Government, surreptitiously, as it were, torn and dissevered from a Province, under whose auspices you settled, where your connections, acquaintance and business lay, and where you had reason to expect and hope for a good share of those comforts & advantages which render society elegible and Government beneficial, and subjected, as it were, to a foreign Jurisdiction, where these blessings could not be enjoyed at all, or but in a very imperfect degree. This, however slightly and confusedly it is, as it were glanced at by this Author, I suppose is the principal source of your peculiar troubles. But now, my Friends, is anything like this the case with respect to those Towns on the East side of the River, now about to join you? Exactly the reverse--Every step in the whole progress of their Settlement, from its infancy to its present improved state, has been with the entire consent of the people. They have, in every possible way (except personally signing an instrument for the purpose) expressed their satisfaction in their situation, as a part of New Hampshire, in a manner and to a degree that rather verged towards Adulation, than exhibited the least sign of disgust and uneasiness. They applied to the Governor of New Hampshire and obtained of him Grants of their Lands and Charters of Incorporation, held their Town meetings regularly, chose their Town officers, transacted all business which Towns usually do, without the least lisp of murmur or complaint. Gentlemen have taken and executed Commissions, both Civil and Military, and when the Province was divided into Counties, one of those very Towns, who are now aiming at a defection, was honored as a shire Town, and, at an expense bordering on profusion, erected a Court House, held their stated Courts, &c. &c. The Governor of New Hampshire attended the Commencement at Dartmouth College, (where the people now join in the defection) escorted by the principal Gentlemen in the vicinity, and there treated with all the eclat and magnificence that could be exhibited on the occasion.

Thus matters stood, when the British administration stretched the Iron Rod of Tyranny and Despotism over these Provinces, in a manner and to a degree that left no man secure in the enjoyment of his Property or even of his life.

At this dark Period, Delegates from the several Provinces were desired to meet in General Congress to deliberate and determine what could be done to ward off the fatal Blow. Now, these very Towns, by their Representatives, met with their Brethren, the Representatives of

the other towns of New Hampshire, and joined with them in the choice of Delegates which made a part of that August Body which now figures in the principal Courts of Europe, and is particularly honored by the Alliance and guarantee of so great a Prince as the Grand Monarque.

But now, if the Principle which this author lays down, and which is the basis of his whole superstructure, (viz. That the Declaration of Independence dissolves all political relations and connections) be admitted, as not only true in theory, but also carried into practice, by this single blow of the clumsy Fist of this dabbler in politicks, the glorious Fabrick (American Independence) which I suppose I may say is the admiration of all Europe, and the Esteem of all, with a very few exceptions, will be laid prostrate, jumbled into a huge heap of sand, without any cement to hold it together. For, if Provincial Lines that were universally acknowledged and acquiesced in, both by Governors and Governed, as the true boundaries of the several Provinces, be rejected as of no validity, most certainly all subordinate Corporations, depending upon the same authority must share the same Fate. And thus, the fine Country that bids so fair to shine in the annals of futurity, is at once reduced to a State of Nature (the Author's own words) and must soon sink under its own *weight*. *But*, this is not all; there is a *minority* in each of these Towns, which sees things as they are; who look upon themselves as bound by every Social Tie, to approve themselves as liege subjects of the State of New Hampshire; and, consequently, in obedience and conformity to this Principle, which Reason dictates and Religion patronizes, they refuse subjection to any Rules, Regulations or Orders of what name or nature soever, inconsistent with the Faith they have plighted to the State of New Hampshire.—These, when they find themselves unable to bear up against the torrent of Rage and Oppression from their cruel Neighbors, will, doubtless, apply to the State of New Hampshire for protection. I must confess, I dont see how they can, and I have no apprehension that they will, reject such application; but, after all lenient measures have been used, without success, they must and will employ the Power of the State to vindicate and protect their thus injured subjects, altho at the expense of the Blood and Treasure of another Civil War.

Now, pray Gentlemen, consider what an unfavorable light you will stand in with the Confederated States, when you are considered as the abettors at least and accomplices in these scenes of devastation and bloodshed: particularly consider what a fund of Eloquence and Oratory you are laying up in store for the use of New York to be played off against you, whenever your case comes to be candidly discussed before the Continental Congress, (for I am persuaded it must first or last come before that august Assembly) you, in a manner, put words into their mouths, and direct them to address that Venerable Body in such language as this:—"You now plainly see, Gentlemen, what these men are aiming at; that, however modest and submissive a tone they may, at certain times or on special occasions have assumed, yet, they now begin to throw off the mask, and discover the latent Principle of Malignity which has all along been at the bottom as the animating spring of all that disturbance which they have occasioned. We appeal to facts, Gentlemen; you have a recent instance before you which plainly shows they are for grasping all they can lay hold of, Right or Wrong. They have gone over the Line of New Hampshire, where they had not the least shadow of pretence, to intermeddle, more than in any other of the States of the Confederacy; and have been, at least, accessory towards raising a Storm, which no one knows where or how it will be appeased."

I have but one thing more to add. and that is a hint, that it is pretty well known in New Hampshire, that the disappointments of a small junto of aspiring, avaricious men, in their endeavors to raise themselves and their connections to a degree of importance in the State, far, very far, beyond what their numbers or Estates gave them any pretence to, is the source of all this feud. Now unless the course of nature should change and similar Causes should cease to produce similar Effects, one may venture to predict, that this Spring wont lose its stimulus and change its vibratory nature, by being turned the other way, but will be active in endeavors to embarrass and perplex your Affairs.

I have purposely avoided a particular Address to our Seceding Brethren, on the East side of the River Connecticut, because I understand their rash proceeding has so awakened the attention of the State, that it will probably be matter of public enquiry when the General Court meets; and it might appear officious in a private Subject to anticipate a Business which will be much better done by the united Wisdom of the State.

However, that they may not think themselves wholly neglected, if there be any weight in the reasoning and observations in the foregoing Pages, if they will be pleased to read them, they may, with the alteration of a few circumstances, apply them to themselves; and they will find many of them, *A fortiori*, to conclude against their own conduct.

Thus, Gentlemen, I have honestly endeavored to lay before you the Truth respecting an affair not only of great importance in itself, to the Peace and Weel of those immediately concerned in it, but also will, if not seasonably checked, go far in its consequences towards sapping the foundation of the Confederation of the United States; and am your sincere Friend and well wisher, in all honest pursuits. PACIFICUS.

July 18, 1778.

For documents succeeding the foregoing in chronological order, see Vol. I, pp. 413–429.

A PUBLIC DEFENCE of *the right* of the NEW-HAMPSHIRE GRANTS (so called) on both Sides CONNECTICUT-RIVER, to associate together. and form themselves into an INDEPENDENT STATE.

CONTAINING Remarks on sundry paragraphs of Letters from the *president of the Council of New-Hampshire*, to *his Excellency Governor Chittenden*, and the *New-Hampshire Delegates* at CONGRESS.

DRESDEN: Printed by ALDEN SPOONER, 1779.[1]

PURSUANT to a Resolve of the General Assembly of the State of *Vermont* passed October, 20th, 1778, "that a declaration be drawn up, setting forth the political state of the *New-Hampshire Grants* (so called) on both sides of Connecticut River, &c." the major part of their Committee appointed for that purpose, have agreed to present the following facts and observations, together with two several letters from the President

[1] A copy of this pamphlet was furnished by Rev. H. A. HAZEN of Billerica, Mass. Another, supposed to be annotated by Rev. SYLVANUS RIPLEY, Professor of Divinity in Dartmouth College, 1782–7, was furnished by Rev. N. BOUTON of Concord, N. H. The last named is used here.

of the Council of New Hampshire, and a report of *Col. Ethan Allen*, with some remarks on them.

A Grant was made by the Council of Plymouth March 4th 1628–9, of the Colony of the Massachusetts-Bay; the Northern Line of which was "from three miles northward of any and every part of Merrimack River" to extend west indefinitely. A Grant was afterwards made (in the same year) to John Mason of London Esq; containing a tract of land between Merrimack and Piscataqua rivers, sixty miles up each river, and these to be bounded by a line across from river to river. This Grant (although expressed in a loose manner) when compared with the Massachusetts Grant, is limited with the greatest precision, southerly and westerly by a line three miles northward of any and every part of Merrimack River, sixty miles up the river—and northerly by a line drawn from the place where the said sixty miles are finished to Piscataqua River, sixty miles distant from the mouth of it.[1] On this Mason tract sundry towns were formed and considerably settled. And the Inhabitants in the year 1679. petitioned King Charles the 2d that they might be erected into a separate Government by the name of New-Hampshire; in compliance with which request a commission was made out to *John Cutts Esq;* whereby a President and Council were established for ruling and governing said New Hampshire which was in said commission bounded as follows viz. "lying and extending from three miles northward of Merrimack River or any part thereof unto the province of Main."[2] And in the same commission is this further clause, viz. "And it appearing unto us that the ancestors of Robert Mason Esq; obtained Grants from our Great Council of Plymouth for the tract of land aforesaid, and were at great expense upon the same &c." By which it clearly appears that *President Cutts'* commission was intended to extend no farther than the western extent of the *Mason claim* or the *Mason line* (so called)—and jurisdiction was exercised agreeable thereto with little variation, untill a commission was granted to *Benning Wentworth Esq;* to preside as *Governor of New-Hampshire;* by which commission his jurisdiction was extended and exercised over the whole of the Grants, on both sides of Connecticut River; or at least he was empowered to extend jurisdiction to the limits of other Governments, grant lands &c. And by virtue of that general clause in his commission, and the determination of the King in Council A. D. 1739,[3] he did actually

[1] If the Massachusetts North line begins three miles north of Merrimack, and continues three miles distant from it to three miles north of the fork or crotch where Merrimack and Pemegawasset rivers meet, and thence extends due west, as their Charter points out, they will cover considerable part of the Grants now in question. A line drawn due west from the place where those rivers meet will intersect Connecticut river about fifteen miles north of Charleston (No. 4) Meeting house, and thence continued across the New Hampshire Grants will come near to Fort Ann on the head of Wood Creek (as these places are delineated on the Maps) which line will include upwards of fifty of the towns on said Grants within the limits of the Massachusetts Charter. Although there was a determination of the King in Council A D 1739 that the North line of the Massachusetts should run west from Patucket falls it seems that they did not acquiesce in the determination; as they refused to join New Hampshire in a survey conformably thereto.

[2] The boundaries of New Hampshire as described in this Commission coincide with the Massachusetts line as described in their Charter before mentioned.

[3] See Douglass Summary, Vol. I. page 422.

extend jurisdiction, and granted the most of the vacant lands as far westward as to the line between Massachusetts and New-York. But New-York, not discouraged from endeavoring to extend jurisdiction eastward, by two unsuccessful struggles, first with Connecticut, and afterwards with the Massachusetts-Bay, now attempt to effect it against the New-Hampshire commission and the beforementioned determination of the King in Council. And here we find them under peculiar advantage to what they were in their former endeavors to encroach on the jurisdiction of the other Governments. In those the people who owned the soil were interested in the jurisdiction: but here the Grantees of the lands had no concern with the jurisdiction. That prerogative was retained solely in the King's hand, and, exercised by whatever servant the royal mandate should point out. Neither the people in New-Hampshire or New-York had much concern in the exercise of jurisdiction. In New-Hampshire especially the royal prerogative was so extensive and the privileges of the people so small, that their Assembly declined assisting the Governor in any way whatever for the establishment of the line. And accordingly under the influence of sundry false declarations in favor of New York, a decree was passed by the King in Council A. D. 1764, that the western bank of Connecticut River should be the boundary between New-York and New-Hampshire: and the Grantees and Inhabitants living on those lands, not being in capacity to defend against the unreasonable claim and pursuit of New-York in endeavoring to obtain jurisdiction over them, were under necessity of falling a prey.

In this situation of affairs, a considerable part of the people in the southwesterly part of the Grants have utterly refused submission to the jurisdiction of New-York, from the time that said line was established as aforesaid, by reason that they not only claimed the jurisdiction but the right of soil also; which was before granted to the settlers and others by the Governor of New Hampshire. All which is more fully set forth in sundry pamphlets, wrote and published by Col. Ethan Allen, relative to the New-York claim. On other parts of the Grants, that were by said decree subjected to the jurisdiction of New-York, the people thro' fear of losing their interests and being turned out of possession of their all, in some measure submitted. And at exorbitant prices obtained regrants of their lands from the Governor of New-York—which he presumed to make out, notwithstanding the express inhibition of the King.

In this situation the people on the Grants continued, untill the late glorious revolution. And upon the *declaration of Independence* the people on the Grants on both sides of Connecticut River, seeing the kind hand of providence in releasing them thereby from the galling yoke of bondage under which they had been held, began now to look out for themselves, and assert their natural rights and privileges in common with their brethren in the American States.

And as the circumstances of the Grants on the two sides of the river were (on account of the jurisdictional line settled in 1764) circumstantially different, in respect to their connections with New-York and New-Hampshire, the Grants on the west side were fully determined (as they imagined by the proceedings of the Conventions and Assembly of the State of New-York that they had little or nothing better to expect from the new mode of government of that State than they had from the former) not to connect with them; but to form themselves into a distinct State with the whole of the Grants, so soon as time and circumstances would admit: and accordingly overtures were made by a Convention of the Grants on the west side to those on the east side of the river as early as September 1776. But those towns on the east side having transacted

some affairs with New-Hampshire from the time that hostilities were first committed by Britain to the time of Independence relative to the war &c.—and by reason of some disputes then subsisting between New-Hampshire and them, they were not prepared to enter into a confederacy with the people on the west side of the river, untill the latter had formed their plan of Government.

But in pursuit of the original object (viz. to be all united together in one political body, in case they could not agree to connect with New-Hampshire) a considerable number of towns on the Grants on the east side of the [River], in the month of March 1778, by a Committee appointed for that purpose, proposed to the Assembly of the Grants on the west side, articles of union and confederation; which proposals were accordingly by order of said Assembly laid before the towns on the west side, for their consideration and approbation. And at the Assembly held at Bennington in the month of June last, said towns on the east side of the river were received into union and confederacy with those on the west side, with equal rights and privileges, by a solemn act and resolve of said Assembly; and leave for other towns on the Grants east of the River to join; by virtue of which some others have since united. And they have since acted together as a distinct State, untill an unhappy dispute arose in the Assembly at their sessions in October last, relative to the manner of defending the State, against the claim of New-Hampshire to the Grants on the east side of the river included in said union; occasioned by the following letters and report which were then laid before the Assembly, viz.

1. A copy of a letter from President Weare to Governor Chittenden.[1]
2. A Copy of a Letter from President Weare to the New Hampshire Delegates at Congress; which is as follows, viz.[2]
3. A Report of Col. Ethan Allen, which is as follows, viz.[3]

The foregoing letters, report &c. were all taken into consideration by a Committee of Governor, Council and Assembly; on which the following proposals were reported to the Assembly, and by them approved, viz.[4]

In observing upon said letters, &c. will be shown the *right* of the whole of the Grants to unite and confederate together as before related.

The State of the Massachusetts notwithstanding their undoubted right by charter to a considerable part of those Grants, by their neglect to challenge them as part of that State since the revolution, have tacitly relinquished that right to the people who inhabit them, and not to New-York or New-Hampshire, or either of them; and the right of organizing government among themselves must of course be acknowledged as being vested in the inhabitants until the Massachusetts assert and vindicate their claim; which may be done on much more rational principles than those of New-York or New-Hampshire; and consequently those States must be forever debarred from jurisdiction over those towns, were the matter to be rested on this single point.

As to New-Hampshire; all their right may justly be supposed to be comprised in the two letters from President Weare before recited, as they are the result of the wisdom of the Council and Assembly of that State after near three years dispute on the subject. But before we pro-

[1] For this letter, see Vol. I, p. 414.

[2] For this letter see Vol. I, p. 413.

[3] For the report see Vol. I, p. 415; also p. 417, note 1.

[4] For proposals see Vol. I, p. 418.

ceed to take notice of those letters, we would observe that the people in New-Hampshire never were formed into a political body, until the commission to President Cutts as before mentioned. Under which form of Government they continued (with very small variations) until the commission to Benning Wentworth, Esq.; anno 1740. After which a commission was made out to John Wentworth, Esq; who continued in the exercise of his government until the present revolution.

These commissions are all the Grants or Charters (if they may be so called) which either gave jurisdiction or combined the people together, and whereby they become connected in any way or manner whatsoever. These two last mentioned commissions were made out merely at the will and pleasure of the Crown, and constructed as sovereignty saw fit. By these alone the inhabitants on the Grants were connected with the people within the Mason claim. These were imposed on the people without their previous knowledge or consent, and were continued for such time and liable to such alterations at all times and in such way or manner as the King should see cause, both as to extent of jurisdiction and mode of government. By these commissions the people were subjected without power of chusing or refusing. And the whole of the Grants, by virtue thereof only, remained connected with the people settled on the Mason claim, until the regal power was exercised in an arbitrary manner in 1764, by passing an order or decree in privy council, that the western bank of Connecticut River should be the line or boundary between New-York and New-Hampshire as before mentioned.

This stretch of arbitrary power (obtained by undue influence) gave rise to and has been the occasion of the continuance of all the political disputes and troubles that have subsisted in this part of the country ever since. And *the strenuous efforts of New-York and New-Hampshire to establish and maintain that unjust and arbitrary line are the only cause of the present dispute, which must be decided,*[1] it seems (if we believe New-Hampshire) *by the point of the sword.*[1] For the people on the Grants, especially on each side of the river, on account of their situation and other circumstances, are utterly averse from being divided.

But to return to those royal mandates—We find that unbounded prerogative is not satisfied with this act in 1764; but has since ('tis said) made great part of the Grants with other territories a distinct province;[2] but this was too late done to take effect.

Now we candidly ask the the [apparent repetition of "the"] question, which of those five lines (before mentioned) it is that New-Hampshire mean when they say, "Are they not within the lines thereof as settled by the King of Great Britain in Council prior to the present Aera?"

Certainly it cannot be the first, for that takes off considerable part of the Grants to the Massachusetts; nor the second, for there is no pre-

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[1] *Red.* It is supposed that the lines in *Italic* in this paper were marked in red by Prof. Ripley.

[2] By a commission to Governor [Philip] Skeene for a government on said Grants &c. made out a little before the commencement of the present [revolutionary] war.

In Vol. II, pp. 239-'40, note 1, is Ira Allen's statement that Skene was appointed governor of a territory comprising Crown Point and Ticonderoga. This is confirmed by the obituary notice of Skene in *The Gentleman's Mayazine*, [London.]—See *Docs. relating to the Colonial History of New York*, Vol. VIII, p. 416, at the close of the note.

tence that the Mason line includes them; nor the third, for that includes all the Grants; and that New-Hampshire, has been utterly adverse to, notwithstanding they have been repeatedly requested thereto. Neither may we suppose it to be the last; because that will not answer their purpose. It must then be the line of 1764. But by what rule of right or reason they can make their choice, is beyond our perception to determine—for certainly if they would consider those acts of the King in the nature of grants, the former must have the presidence; but if in the nature of wills, then the line described in Governor Skeen's commission takes place; as that was the last will and testament which George the third made relative to jurisdiction over these territories before his death, unless the Grants were included within the province of Canada, as extended by the Quebec bill, as some have imagined—But, thanks to Heaven, the legatees have never accepted the legacy since the death of the testator. Nor do they mean ever to accept either the will in 1764 or the last. Nor have either of those wills been yet proved or approved, or ever can be, on account of the insanity of the testator.

However, as it appears evident that the line pointed out in the decree of 1764, is the line they mean to maintain, as best suiting their designs (viz.) for each one to have so much and no more than what they can manage to their purpose, and as this line is their capital bulwark and main strength, we will further consider the force of it.

It was obtained, in the first place, by the intercession of the government of New-York, by false representation, *that it was the desire of the people living on the lands, to be annexed to New-York—that it would greatly commode them in trade and commerce &c.* also by undue influence by that Province, and some principal men in New-Hampshire. And the poor Inhabitants (who alone must suffer the evil consequences) were forsaken of New Hampshire, and consequently under no circumstances to make any defence, or even to be known in court, of necessity fell a sacrifice. But the King being thus deceived the decree is in its nature void [1]—much less have the parties right to take advantage thereby of their own wrong, to subjugate the Grants to their sinister designs and purposes: Nay, *it is void as to all parties.*[2] Therefore the jurisdiction of New-Hampshire (so long as there was any under the Crown) ought to have taken place as before said decree in 1764 passed.

Again: If the State of New-Hampshire had any right to exercise jurisdiction over the Grants, they have (by refusing or neglecting to exercise it over *the whole*) forfeited their right to *any and every part;* for by the right or authority they may have heretofore had to exercise jurisdiction over *the whole*, they cannot exercise it over a *part only;* as that would be a different exercise from what they would in that case be empowered to.

Further. Supposing, for argument sake, that the decree, in the time of it, was ever so legal and binding on the people; yet New-Hampshire, under its present circumstances, can claim nothing by it; because that power which the government had by virtue of his commission (when the commission became null and void) never averted to or became vested in the people by virtue of the commission, any more than though it never had been; and consequently New-Hampshire can have no right to exercise government over the Grants, on account of the latter having

[1] Notwithstanding it is said *that the King can do no wrong*, yet it is a settled maxim *that the King being deceived his acts or grants are thereby made void.*

[2] *Red.*

been connected with the former in the Governors commission, any more than though they never had been thus connected. When the King's authority was thrown off and rejected by the declaration of Independence of the United States, the royal commission became a mere nullity, and was to the people as though it never had been, for it contained nothing more than a positive command to the Magistrate therein named to govern, and a requisition or command to the people to obey. Nothing was contained in it reciprocal between the King and people. Nothing that the people could claim as a grant or benefit, not even so much as the continuance of the commission itself: but it rested wholly at the pleasure of the crown. Now as the commission altogether ascertained the extent as well as power of jurisdiction, *when the commission was once removed out of the way, there were no more any limits of jurisdiction left than there was power of exercising it.*[1] Consequently there never having been any confederacy of *the people*,[1] either by themselves or by any grant or charter from the crown or otherwise, whereby they ever were incorporated and united in a political body, whenever that compulsive power (which alone held them together) ceased, they *became unconnected;*[1] and so will remain *until by their own act they unite and confederate together*,[1] as much as the thirteen United States were before they entered into a confederacy. Nay the people never were at liberty to unite together or not unite until that despotic power which alone held them together, was thrown off; *which was done by the declaration of Independence.*[1]

And as New-Hampshire have not as yet settled any permanent plan of government, or confederated together any other way than by a considerable part of the towns (and those principally in the old Mason claim) acting together only for the purposes of carrying on the war, and in the meantime to guard against criminal offences, and have therefore never as yet ascertained what and where New Hampshire is or shall be; they are rather too early in making their challenges of jurisdiction, and threatening war and devastation upon those towns who have dared to assert their rights, and who have never acted with them since Independence took place, (but have remonstrated against their proceedings from the first setting up government in the manner they have done) except as to the affairs of the war merely; which will be more particularly considered hereafter.

One thing more may be proper in this place to consider, viz. What State the people on the Grants were in when they were released from the government of Britain.

And first. *Did they revert to a State of nature?*[1]

We answer. *Not wholly so.*[1] For so sure as the coercive power of the King was rejected and ceased to operate, *the people made a stand at the first legal stage*,[1] viz. *their town incorporations*,[1] which they received from the King as little grants or charters of privileges by which they were united in little incorporated bodies with certain powers and privileges *which were not held at the pleasure of the King*,[1] (as those commissions were) *but were perpetual.*[1] These the people by universal consent held sacred; and so long as they hold those grants, so long do they hold themselves subjects of government according to them: and as such must and do they act, and transact all their political affairs. Hence it is that the *major part of one of those towns have a right to control the minor part.*[1] These are all the grants the people ever had from the King whereby they become united together and could hold against the King &c. Consequently they will remain so many distinct corporations until they agree

[1] *Red.*

to unite in one aggregate body. But to this doctrine there has been an objection raised by some, viz. That if the case is as here represented, every of those towns (if they please) may be a State by itself &c. To which we answer. Supposing the consequence is just it will not destroy the proposition; and the objection might with as great propriety have been urged against the *thirteen united States* being distinct separate bodies, before they united or confederated together; for the two cases are exactly similar, except as to their extent. Moreover, so long as men have a regard to the safety of their persons and families, their liberties and properties, they will naturally associate and confederate together, so far as will best secure themselves; which is the whole design of government. And the same principle that influenced to hold sacred those town incorporations, will prompt them to unite still further. Necessity and interest are so influential in this matter that there is not the least danger. The only difficulty ever arising in this case is the manner and form of uniting, and mode of government.

Again, perhaps it will be objected by some, that the principles here laid down will apply as well to the towns within the Mason claim as to the towns on the Grants, and consequently they will have the same liberty &c.

To which it may be said, that there is at least this difference in their circumstances, viz. (1.) The people within the Mason claim, from their education, customs and manners, are of one notion and sentiment in respect to the principles and mode of government; and therefore are well united. (2.) They hold their landed property by the same tenure, but diverse from the Grants. (3.) The inhabitants first settled on that claim, agreed in chusing them a King, (alias) a Kingly government, by petitioning for and receiving it. (4) They have acted together so long that they may claim any union by prescription, having enjoyed an uninterrupted connection in the exercise of government among themselves beyond the memory of man.

Marked in written marginal note, "Not true."

In all these circumstances the people on the Grants are different from those on the Mason claim.

But sufficient has been said here and in a former Letter signed Republican,[1] as to the right that New-York and New-Hampshire have to exercise jurisdiction over these Grants by virtue of those royal decrees and commissions. We pass on now to consider some other reasons assigned in the foregoing letter, which we should not think worthy of notice, were it not that they are almost all of them palpable falsehoods and misrepresentations, made use of to excite the indignation of the highest power in America against this new rising State, and to bring the power of the United States upon them, without their having an opportunity of defending their cause, or even to know the accusations alledged against them, until the decisive sentence is passed—a measure not parallel except in the inquisition.

We shall therefore in the first place notice that clause in the letter to the State of Vermont, where it is said "that the sixteen towns are not connected with any State with with [literal] respect to their internal police, is an idle phantom a mere chimera without the least shadow of reason &c. that the town of Boston in the Massachusetts, or Hartford in Connecticut might as well evince their not belonging to their respective States, as those sixteen towns their not being connected with New Hampshire, &c."

It is surprising that men who pretend to be wise politicians, by being educated under an arbitrary government, are so grossly ignorant of the

[1] Note in writing, "*printed at Danvers*, 1778."

distinction there is between charter rights and the exercise of despotic power. Do they not know that every individual inhabitant, and consequently every town in the State of Connecticut by charter make up the Governor and Company of that Colony or State. And that by the same grant or charter they hold all their landed property, as much as any body of proprietors of a township or tract of land. And by the same charter they are made a body corporate and politic in name and fact. And in holding this charter sacred they hold themselves indissolubly connected together. Which bond of union must remain so long as the State exists. There never has been nor does there need to be any alteration of the mode of government in that State to comport with a state of independence, but the transposition of the name in which the executive power is exercised from the King to the people.

In the same way and manner are the people in the Massachusetts held together and united viz. by grants and charters from the King containing both landed property and jurisdiction, which the King could not constitutionally alter, and which the people still hold sacred, and thereby hold themselves connected together as much as Connecticut. Now, wherein does New-Hampshire compare with these two States? for take away the royal prerogative power which alone held them together, and what have they left? Nothing but a number of little town incorporations—there is not a shadow of a confederated State left—Nothing but an empty name. *New-Hampshire as such never owned one inch of land or farthing of property*,[1] neither could they ever so much as grant a town incorporation, nor had they right to a voice in that matter. In short, *they never were a body politic in any legal sense whatever*,[1] and nothing more than a number of people subjected to the obedience of the King's servant in such way and manner as the commission prescribed: very similar to the old feudatory system in England. Now to compare the towns on the grants as being in like circumstances with Boston and Hartford, is not only "an idle phantom, a mere chimera," but an act of profound ignorance. As to the question "Were not those towns settled and cultivated under the government of New-Hampshire."

We answer—They were not. They were granted settled and cultivated under the King of Great Britain, (by the agency of his servant the Governor of New-Hampshire) and entirely at his control, as much as the towns on the Grants west of Connecticut River; and as liable as they to be put under the immediate jurisdiction of any other person than the Governor of New-Hampshire, whenever the King should please to do it.

The next argument made use of is, that *most of those towns sent delegates to the Convention in the State in* 1775—*'Tis true they did*[1]—and for the sole purpose of devising measures to defend against the tyrannical power of Britain which then began openly to set itself in hostile array against America. And by the *arbitrary conduct of that Assembly in settling the mode of representation* [1] (which they were never authorized to do) *they disgusted many towns then connected*[1] with the Province or state, so that *they have never connected with them since*,[1] except to remonstrate against their proceedings, both to the Assembly and people at large.

But what of all this? were we not then all under the jurisdiction of the King? Yes: and long afterwards; for *independence was then scarcely in idea.*[1]

The next thing alledged is, that from the commencement of the present war *they have applied to the State of New Hampshire for assistance and protection*,[1] and that New Hampshire at their own expense hath sup-

[1] *Red.*

plied them with arms and ammunition to a very great amount as well as paid soldiers for their defence &c.

Here seems to be a magazine of stores played off at once—but if all was fact, we hardly believe it would amount to a consideration—For by the same reason every State upon the Continent would claim jurisdiction not only over the Grants, but over every other State, upon the score of defending them; so that it would be difficult to determine which had the best right—But when the matters are considered in their true light, they will appear but a mere fiction—The true state of the case is this. At the beginning of the war, *when we were all connected,*[1] we did apply to New Hampshire for arms and ammunition; but to very little purpose: the expense of application was more than the value of what was obtained. Tis true they did advance a few barrels of powder, and a quantity of lead not equal to the powder, and some fire arms: for the whole of which ample security was given to the State at the time of receiving them, either to return or pay for them. And besides, these towns, notwithstanding the repeated solicitations to New Hampshire for supplies &c. were obliged to apply to other of the united States, and from them received very considerable supplies, on the same terms as those received from New-Hampshire, and without being claimed on that account as being under their jurisdiction, except by New-York. But what a vain pretence is this that it was done only to defend *Us*, when in fact the enemy were never known to have been within fifty miles of Connecticut-River, which is the utmost western limit which they claim in those letters. The defence yielded both by New-Hampshire and Us, was at Bennington, the Creek, Ticonderoga and Lake Champlain, &c. where the general cause was the immediate and principal object, and where most of the United States defended, and who notwithstanding we believe never thought of claiming jurisdiction on that account. Such pretences not only argue the weakness of their cause, but meanness of spirit, as it is well known that the people on these Grants have, ever since the commencement of the war, exerted themselves to their utmost in raising Soldiers and Militia to subserve the general cause of the United States. *This same plea Britain made* [1] (viz.) *that they had been at great expense in defending America in the last war, and therefore had a right to subjugate them*, &c.

Furthermore, 'tis true (tho' not alledged) that the *military officers*[1] of the regiments in those towns *received commissions from the Conventions of New-Hampshire,*[1] obeyed orders from them, &c. before independence took place, and acted upon them in some measure afterwards. Which they did upon this principle (viz.) That we must do our part to maintain the American cause; and as we were not nor could be in a situation to regulate our militia until we were settled in a regular state of civil government, it was thought best to continue in that respect as we were for the present, as it mattered not so much what state we acted under in that respect, as that we did our duty. And indeed no part of the state of New-Hampshire hath done equal to what these towns have in supplying men for the continental army, turning out on alarms, scouting, &c.

The next thing mentioned is, "that *near one half of the people in those revolted towns*[1] (as they are called) *are averse to the proceedings of the majority, who threaten to confiscate their estates,*[1] if they do not join with them; and that they are about to apply to New-Hampshire for assistance; and that some have already applied," &c.

These assertions, as they are represented, are entirely false.—And in

[1] *Red.*

order to set them in their true light, we are under the disagreeable necessity of troubling the public with some facts, which we should not otherwise have done.

The truth is, in some of those towns there are a few who do not agree in opinion with the major part; but in those *we dare challenge any creditable person to say that ever there was the least threatening by the major part to confiscate their estates*,[1] or even to injure them either in their persons or properties in any way whatsoever on that account. And nothing short of malice and envy could influence any person to make such report.

As to those who have applied for relief, &c. we know of none, except one Col. John Hurd, formerly of Haverhill, at Cohos, (who, to the great joy of the people, has removed out of that part of the country, a mutual disaffection having arisen between him and the people) who has made application to the Assembly of New-Hampshire, and from them obtained a summons or order to notify a certain gentleman living in said Haverhill, to appear before said Assembly, to answer to certain defamatory charges some time or other laid in by him against said Hurd—also one Nathaniel Hovey, lately living in Enfield, (who is well known to have been a litigious person from his youth up, and consenting to be a tool for said Hurd, to assist him in holding some lands which he claims in said Enfield) who occasioned such disturbance in the town, that they warned him to depart—and after some time (he not obeying the order) the constable, by warrant from the select-men, proceeded to remove him and family towards his last settlement, &c. for which transactions we understand he has been incessantly applying to New-Hampshire for assistance as best suiting his circumstances.

These we are well assured, are all the applications that have been made, and the only motion that we know of that kind. These are the terrible things which are painted in such high colours, as tho' they all originated from the joining of those towns with the Grants on the west side of the river; when they are nothing more than mere party disputes, which would have arisen if there never had been such an union. And we suppose that the Council and Assembly of New-Hampshire have in this way had their information of all those extraordinary things mentioned in their letters (including the affair of Col. Bedel[2]) that are in so solemn a manner transmitted to Congress for a foundation of their passing some decisive sentence against us; which would (according to Col. Allen's report) have immediately taken place, had it not been for his interposition &c. And as we have no place in Congress, we are obliged in this way to appeal to the public to defend ourselves against such un-

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[1] *Red.*

[2] The suggestion or rather assertion in President Weare's letter, "that Col. Bedel by influence of money and his command has occasioned a great share in the disorders of those towns" is as destitute of foundation as most other articles contained in it. And the information "that very little service has been done by him" and "the desire of the more sober solid people to have him removed" was doubtless from some disaffected persons who apprehend the defence of this frontier, and (perhaps) of the large quantities of continental stores collecting in this quarter will be of very little service, and who wish to have all defence removed that they and the inhabitants may lie open to the depredations of the enemy from Canada, who have (without doubt) been kept from ravaging this frontier, only by their knowledge of Col. Bedel's regiment's being stationed here.

fair and injurious conduct of our adversaries, who have in that respect an advantage in their hands.

Again. We take notice in those letters of their referring to arms to decide the dispute, when at the same time there is not the least hint that the people on the Grants ever meant to defend their right in that way. Nay they expect to support them by fair reasonings founded upon principles of justice and righteousness in an open and public manner, giving their adversaries the opportunity of a fair and impartial trial in any tribunal that may have cognizance of the cause. Whether this frequent recourse to arms is to surprise Congress into an hasty determination by an ex parte hearing or to terrify and affrighten us to a submission, or whether it is for want of justice, argument, and reason to support their claim, or all of them, we submit to the impartial public to determine.

We would here observe further, as to the circumstances of New-Hampshire, that since these disputes have arisen, but *little*[1] (if any) *more than half the number of inhabited towns*,[1] within the limits they claim jurisdiction over, *are represented in their assembly*,[1] or mean to be, under their present mode of acting; and this is the great instituted power that claims such extensive jurisdiction even over a greater extent of inhabited and unrepresented territory, than what is represented. Moreover, *this partial assembly, when they issued orders for a convention of delegates*[1] from all the towns in the state (as they claim it to be) *to assemble and form a plan of government* for the State, would not trust it with them to prescribe how it should be established, but *determined*[1] themselves that when the Convention should agree upon and publish *a plan of government, it should not take place, unless three fourths of the Inhabitants in the State should agree to it.*[1] Thereby retaining power in *five or six* towns in the easterly part of the State (by reason of its numbers) to negative near *one hundred and fifty* other towns. This convention have already existed about six months without agreeing upon any plan, and have adjourned for another six months for consideration; and when they shall have finished their business, or come to an end is uncertain.

Under such conduct, what people that have any regard for themselves or posterity, will submit to their government? Surely none that can do otherwise. And yet they pretend to appear among the confederated States, as having full and compleat right to control these extensive Grants.

Much more might be said (if needful) relative to their conduct in disregarding and rejecting the complaints and remonstrances of the people against their arbitrary proceedings, ever since they set up their present mode of government; and yet they have the confidence to represent in Congress, that "every condescending measure that could be invented, has been tried from the beginning of the schism, and rejected," when in fact they have never given up the least point complained of from first to last. The foregoing facts will evidently appear, whenever they may be called in question, by written and other authentic vouchers.

We shall now offer some reasons of the propriety of the Grants being a distinct State, upon principles of prudence and equity.

And, 1st. As to *their local situation*—the lands near Connecticut-River, between the mountains heights on each side, that are suitable for cultivation, in a general way are about thirty-six or forty miles wide, and about one hundred and fifty miles in length from Massachusetts North line (as they now exercise jurisdiction) to Canada South line, as settled in 1764; through which Connecticut-River runs so as about equally

[1] *Red.*

divides it lengthwise, and therefore the River's being made a dividing line between two States, divides a country that Providence has wisely calculated to belong together, and so situated that the inhabitants living thereon may, by being united, manage their political affairs with convenience; and so calculated by proper intervales through the western mountains or heights, that the passes to and from the inhabitants on the Grants west of the Green Mountains (so called) are convenient.

2. The *connections and commerce of the people*[1] on each side of the river, are, and always will be, so *interwoven and connected*[1] with each other, that it would be very disadvantageous to be in two different jurisdictions.

3. The inhabitants (almost to a man) emigrated from the Massachusetts-Bay and Connecticut, but chiefly from Connecticut; whereby their *manners, customs and habits are conformable to each other*, and their principles and sentiments the same in regard to religion and civil government; but very different from the people of the States of New-York and New-Hampshire: which different principles by education and custom are become so habitual and hereditary, that it is beyond the power of man to eradicate them, and therefore will cause a jarring discord between them so long as they are continued together.

4. The Grants (exclusive of those in the northeast part which lie more contiguous to the center of *New-Hampshire*) will make a respectable State by themselves, and the other two States not be injured thereby, especially New-York; and as to New-Hampshire, it will be much larger than it ever was until since the last war, and more than twice as large in extent of territory as the State of Rhode-Island.

5. The people inhabiting these lands, having undergone the hardships and fatigues of settling this once howling wilderness, and the sufferings and losses occasioned by the war; and having exerted themselves to their utmost (in the grand American cause) with their brethren of the United States, ought not after all to be divided and apportioned to and between New-York and New-Hampshire, merely to serve themselves of us, for their political and interested purposes—and all because they will establish that arbitrary line of 1764.

6. *These Grants*[1] are so situated that they *will always be an important frontier to the United States*[1] (so long as Canada continues under the control of Great-Britain) and by being a distinct State, will be in a much better capacity to act their part as such, than by being the out-skirts of other States.

7. In the early settlement of this country, the Reverend Doctor Wheelock's charity school, founded on the most noble and benevolent basis, and incorporated with a University by a grant or patent from the King of Great-Britain, was introduced and settled in this part of the country; which we esteem an inestimable benefit and advantage to this new State, as well as to the Continent; and which the inhabitants of this State are disposed to patronize to their utmost—but on the contrary, if it falls into the State of New-Hampshire, it will be in a State which has heretofore (as such) shewn a very cool disposition towards it, and probably will continue the same neglect of it, and principally (perhaps) on account of its situation.

8. The people on the Grants are well agreed and united in their plan of government already adopted, whereas New-Hampshire have not as yet agreed on any, and there is very little prospect (by accounts) that they will soon. And as to New-York constitution or plan of govern-

[1] *Red.*

ment, if there was no other objection, that alone would be a sufficient bar in the way of connecting them.

9. The great distance most of the towns would be at from their several seats of government, in case they were connected with New-York and New-Hampshire, is a powerful reason why they should not belong to them, if there was nothing else to be offered on the head.

10. Therefore, on the whole of the foregoing facts and observations, we are fully persuaded (and believe every impartial judge will be also) that the people on the Grants, considered in every point of view, have a natural, legal and equitable right to unite together and form themselves into a distinct State or Government, in the manner they have done, and that they are all on both sides of the river, upon the same political foundation, and have an equal right to act in the affair: for certainly if the line settled in 1764 is established for New-Hampshire, it is also for New-York: and if it is void as to New-York, it is also void as to New-Hampshire: but sufficient has been already offered to shew that it is void as to both.

And as we are determined to be and remain together, and not be split up and divided merely to serve the interested and designing purposes of New-York and New-Hampshire, or any others; and to convince all that our motives do not arise (as has been represented) from ambitious and schismatical principles: but on the contrary, that they are only to obtain the privileges and benefits of civil government in common with our American brethren, and to put an end to all disputes on account of our being a distinct State, &c. We would recommend that the following terms and proposals be made to the Assembly of New Hampshire, viz.

1. To agree upon and settle a dividing line between New Hampshire and the Grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in a Court of Commissioners of disinterested, judicious men, of the three other New-England States, to hear and determining the disputes.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way and manner as Congress in their wisdom shall prescribe.

Provided always, That the Grants be allowed equal privilege with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire State, rejecting the arbitrary line drawn on the western bank of Connecticut river, by the King of Great Britain in 1764.

Before we conclude, we think that duty to the public and regard to the honor and dignity of the Continental Congress, require that we make a few remarks on the report and declaration of Col. Ethan Allen, before recited. On which we must observe, that if his account be true, as before related, it is in a degree alarming ; as of all other legislative, judicial or executive powers on the continent, the Congress (who hold the supreme power) ought to stand in the highest and fairest point of view; and no court has more justly obtained an established character for wisdom, integrity and impartiality, and none so clear from the imputation of intrigue and bribery of any kind whatsoever. And as it is of the highest importance that their character be supported; and that they and the public be acquainted with everything of a public nature, which is derogatory to the honor and integrity of that august body, we have

thought it expedient to publish to the world Col. Allen's representation of the conduct of the New-Hampshire delegates, contained in his report and declaration before rehearsed, which we conceive to be of that kind. And although it has the appearance of partial friendship to this new State, yet we wholly reject it, as being done without their knowledge or desire:[1] that it savors too much of intrigue and bribery, and is a method of obtaining our cause that we despise, for we desire not to have that honorable body or any member of it, injure their character for the sake of helping us; nor that they do the same to our injury. If the justice of our cause, when rightly understood by impartial judges, won't support us, we are willing to fall. And as the said report and declaration are matters of fact, and lie fair for every one to make his comments upon, we submit them without saying anything further thereon.

JACOB BAYLEY,
ELISHA PAYNE,
BEZA WOODWARD,
} Committee.

New-Hampshire Grants,
Dec. 1, 1778.

Next in order comes the record of the Convention at Cornish, N. H., of Dec. 9, 1778, for which see Vol. III, pp. 499-501.

Letter from Ira Allen to Meshech Weare.[2]

WINDSOR, December 12th, 1778.

Hon^rd^ SIR—

As I wish to do nothing that conserns a Neighbouring State, but what should be there made known, I therefore herewith Inclose to you my Printed Letter to the Inhabitants of this State, as also an Extract of the Prosedure of a Convention called at the Request of those Gentlemen that with Drew from the council and Assembly of Vermont at their session in October last;—said Convention was held at Cornish on the 9th day of Instant Decem^r^. As I Providentially Happened at said Convention, and as I have been conversant with the principal men in most of the Towns between this and Cohoos, shall make a few observations on the Present confused State of affairs in those Parts.

There was eight Towns Represented in said Convention from the West side of the River and Probable two or three more may joine them. But in most if not all of said Towns there is a large minority in oposition to such Prosedure.

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[1] Altho' it is evident by Col. *Allen's* report that he was not constitutionally appointed to appear at Congress as agent for the State of *Vermont*, yet his going "by desire of the Governor, and at the request of several members of the Council," carries the appearance of his having authority from them for that purpose, and doubtless added great weight to his proposals to and agreements with the members of Congress in behalf of the State; which "the Governor and several members of the Council" had no right to confer without a quorum of the Council constitutionally convened, which appears by his report not to have been the case in the present instance.

[2] Furnished by Rev. Dr. BOUTON.

In the sixteen Towns sed to be in union with this State sinc the Brake in the Assembly of October Last, the Party that was in favour of New Hampshire have considerably Increased.

Within the disaffected Towns on both sides of the River are several Gentlemen whose Design is to *Brake up this State and connect the whole to New Hampshire for the sole Purpose of Bringing the seat of Government on Connecticut River at or near the College, and to establish a Plan of Government similar to Vermont.*

There is no authority exercised East of Connecticut River by this State, and I dare Engage at the Risque of my Reputation as a man of Honour or common sense, that the future General Assembly of this State will not countenance an encroachment on the State of New Hampshire.

In the year 1764 by an Arbitrary act of the Crown the Grants West of the River was put under the Jurisdiction of New York, where the Inhabitants have since Experianced all the Evils that a Colden, Dunmore and Tryon, together with a clan of New York Land jobbers could invent and inflict;—in the course of which troubles (as I am informed) application was made to New Hampshire to assert their clame, which was Reffused. The Inhabitants on the West side of the Green Mountain Boldly asserted their Rights and Defended their Property untill the late Revolution; soon after which Overtures was made to the Inhabitants of the then Counties of Cumberland and Gloucester who had in some degree submitt to the Arbitrary Power of New York and had then members in the Provential Congress of said State; after many Perswasive Arguments the Inhabitants in said Counties connected with those on the West side of the Green Mountain to form a State, and Proseded to form a Constitution &c.

Had it not been for that the Inhabitants of this State would by their own consent been effectually bound to New York. by connecting with them in forming a constitution &c. Had that been the case no one would have been so hardy as to have thought of claiming the antient jurisdiction of New Hampshire, nor even New Hampshire of claiming the now State of Vermont, any more than the Massachusetts Bay the southerly part of said States. But it seems a few Restless Uneasy men not having the good of either of the States at Heart, (but their own private Interest and Immoliment) are about to clame the antient Jurisdiction of New Hampshire. Should that be the case, doubt not but they will meet with such treatment as to Justice may appertain.

I am, Honor[d] Sir, with due Respect
Your most obedient Humble Servant
IRA ALLEN.

The Honourable Meshech Weare, Esq[r].

Address to the Inhabitants of the State of Vermont, by Ira Allen, dated at Dresden, Nov. 27, 1778.[1]

TO THE INHABITANTS OF THE STATE OF VERMONT.

GENTLEMEN—

Whereas the General Assembly of this State did appoint me to wait on the Honorable Meshech Weare, Esq. President of the Council of the State of New Hampshire, with a Letter from his Excellency Thomas Chittenden Esq. and another from Col. Ethan Allen, &c. And whereas

[1] Furnished by Rev. Dr. BOUTON.

several of the members of the Honorable Council and Assembly of this State, desired me to write to them (on my return from New Hampshire) the state of affairs relative to the Union with sixteen Towns east of Connecticut-River and this State: I therefore beg leave to state the following as a short state of the matter, viz.

When I arrived at Exeter found the General Assembly then sitting, delivered said Letters to the President, who after examining the same in Council, sent them to the House for their inspection: the said Letters were again read and largely discoursed on, and a Committee appointed from both Houses to answer the same.—I being then present besides having many other conferences with the members of both Houses, found that they were unanimous for maintaining Inviolable their Jurisdiction to the East Banks of Connecticut-River, but that they had no disposition to interfere with the State of Vermont in its first described Limits, which will more fully appear by their Resolution in the affair of Mr. Hovey, and an Extract of President Weare's Letter to Col. Ethan Allen, which is as follows, viz.

"State of New Hampshire

In the House of Representatives, Nov. 10th, 1778.

According to the Vote of the House of this day, the Honorable Council and House being met in the Assembly Chamber, the Honorable Meshech Weare, Esq. in the chair, proceeded to take under consideration the petition of Nathaniel Hovey, preferred to the Honorable Committee of Safety of this State on the 24th September last,[1] and the further transactions thereon—And upon consideration of the same came to the following Resolutions and reported, That two Hundred Pounds be granted to the said Hovey, out of the Treasury, by order of the President, for his present necessities, to be by him accounted for; and that the persons named as Rioters in his complaint and Petition, together with Nehemiah Estabrook, of Lebanon, be notified to attend the hearing of said Petition before the General Assembly, if sitting, or Committee of Safety of this State in the recess, on the Second Thursday of December next, and that the Secretary be directed to issue proper notice to the said persons; and that Capt. Samuel Atkinson, of Boscawen, be directed to Notify them accordingly:—Which Report was read and accepted.

Sent up for concurrence.

JOHN DUDLEY, Speaker, Pro. Tem.

A copy examined by E. THOMPSON, Secy."

[From Mr. Weare's Letter.]

"As you have been so full and explicit in your own sentiments, I trust the Body of your people will be of the same opinion, as I am sure every sensible person will; notwithstanding blind designs of some uneasy and never to be contented men, whose views must certainly be more detrimental to you than they possibly can be to New Hampshire—Whatever may be determined by Congress relative to the acknowledgment of your independence will be freely acquiesced in by this State."

I find by enquiring into the situation of the Grants (so called) east of Connecticut River, that the Towns in the County of Cheshir are almost Unanimously Represented in the General Assembly of New Hampshire —and that about twelve Towns in the County of Grafton are also Represented in the Assembly of New Hampshire—and that in the sixteen

[1] See Vol. VII N. H. Hist. Coll., p. 167, and Town Pap. N. H., vol. IX, p. 465.

Towns in connection with this State by said union, there is a large minority in opposition to said union.

Amongst the arguments made use of by New Hampshire to support their claim to Connecticut River, are the following, viz.

That by the determination of the Court of Great Britain in establishing Provinces in North America, said Lands were included in the jurisdiction of New Hampshire, and in consequence of that many Charters for Towns was granted by the Governor of said Province with all the priviledges and immunities that any other Towns in said Province did enjoy, which they held under the Crown untill the Revolution; at which time Circular Letters was sent to the several Towns thro' that Province, to Choose Members to form a Congress to transact the political business of the State, at which time several of those Towns now in union with this State sent Members: About a year after a second Congress was chosen, and some of said Towns sent members. Said Congress then established a Plan of Government which was to remain in force untill the exigencies of the State would admit of more leasure time to form another;—which plan or Constitution of said State has ever since and now remain to be governed by. Since the depreciation of Money, an additional pay has been given by the State of New Hampshire to the Militia of said State, in addition to their Continental pay when in such service; which pay has been cheerfully received by the Militia of said Towns.

Thus Gentlemen I have given you a short state of facts, agreeable to the best information I can get, by which you will observe that the State of New Hampshire are willing that the State of Vermont should be a State in its first described limits west of Connecticut River.

I have also to observe, that by several authentick Accounts lately received from the Honorable Continental Congress, that the Delegates are willing that the State of Vermont should be a State within its first described limits (the Delegates of New York excepted) which fully appears from that Honorable Body's not passing any Resolves against any of the Proceedings of the State of Vermont since its formation, altho' often requested by New York.

Having met with several printed papers published by order of those Gentlemen that withdrew from the General Assembly of this State at their session in October last: But as I did not design this Letter for an answer thereto, shall make but few remarks thereon:—

In the course of which papers there is a request to all the Towns on the Grants on both sides of the River, whether united with the State of Vermont or not, to send members to form a Convention to consult and agree upon measures whereby we may all be united together, by being and remaining a distinct State, on such foundation that we may be admitted into confederation with the United States of America, and under their protection, &c.

A very large part of the Towns on the Grants west of the Mason line and East of Connecticut River, are Represented in the General Assembly of New Hampshire, and consequently they are Represented in Congress: therefore they cannot withdraw from New Hampshire, and connect with any other body politick, and present themselves to Congress to be taken into Confederation with the United States, for they are already taken into Confederation by the way of New Hampshire:—The way them Towns could Act, were they to send members to said Convention, would be to act on the latter clause of the Warrant which is to claim the Antient jurisdiction of the Government of New Hampshire, and in that way defend ourselves against the pretended right of jurisdiction of any other State, and thereby become one entire State accord-

ing to the extent of New Hampshire Province as it stood before the Decree in 1764 took place—But whether that is the design of the Convention or not I leave the candid reader to determine.

I appeal to every person's own conscience in the State of Vermont, whether when the inhabitants on the west and east sides of the Green Mountain first connected together to become one body politick, they did it under a view that the Grants east of Connecticut River would join them; and if it had not been for that, they would not have joined in said plan.

All those that did unite together in one body politick to form a State west of Connecticut River, will, I doubt not, on due consideration, pursue that desirable object; (if any difficulties should arise so as unhappily to separate those Towns east of Connecticut River from this State) for in that view of the case we should then enjoy all we first expected; and as the Constitution of this State is so happily calculated to preserve inviolable the rights of the people; and as is in it there is ample provision made for the propagation of the Gospel, together with proper Seminaries and Schools of learning, which are among the greatest blessings God in his wisdom ever bestowed on the fallen race of man.

By what has already been elucidated, it appears that the State of Vermont is in favor with the United States of America; therefore if the people in said State are, and continue steadfast to maintain the same, they will without doubt support the Independence of said State, so long as the United States do theirs.

Since the choice appears to be in the brest of the good people of this State whether they will be governed by the agreeable Constitution they have made, or lay that a side and seek for connections with a neighbouring State, which is some in debt, and whose known plan of representation is by numbers, so that it would take five or six of our new Towns to send one member; and when we consider that those infant plantations have gone thro' numberless fatigues and expences to defend their just rights from the arbitrary power of New-York; and since this present contest we have been a frontier to three neighbouring States, our inhabitants have been obliged to flee before their enemy, our soldiery often called forth by alarums, who have fought and bled nobly on the field for the defence of their country:—Is there not a much greater probability that we should be considered for those extraordinary difficulties, by the Honorable, the Grand Council of America, in defraying the expense of this unnatural war, than by the legislature of any State whose private interest would be nearer connected with ours.

I doubt not but every reasonable person will, on due deliberation, determine that it is best, wisest, and cheapest for the good people of this State, to steadily pursue their plan of Government which will transmit to posterity the blessings of a free State.

I am, Gentlemen, with due respect,
Your most obedient, Humble servant,
IRA ALLEN.

Dresden, [Hanover, N. H.] November 27th, 1778.

The Mason Grant.—In Vol. I, p. 276, note 1, the dates of two grants to Capt. John Mason, of territory now embraced in Massachusetts and New Hampshire, are given as of March 9 1621 and Nov. 1 [or 7] 1629. Rev. Dr. Bouton gives the dates as of Nov. 7 1629 and April 22 1635. The grants of 1621 and 1629 were renewed April 22 1635.—See Belknap's *Hist. of New Hampshire*, Boston ed. of 1813, Vol. I, pp. 14, 18, 27.

Abel Curtis, Vol. III, p. 24.—Mr. Curtis was born in Lebanon, Conn., of the class of 1776 in Dartmouth College, and died at Norwich, Vt., Oct. 1 1783, aged 28 years. In 1779 he had printed "A Compend of English Grammar, being an attempt to point out the fundamental principles of the English Language, in a concise and intelligible manner: and to assist in writing and speaking the same with accuracy and correctness. By Abel Curtis. Printed at Dresden (Dartmouth college) by J. P. & A. Spooner, 1779." In *The First Half Century of Dartmouth College*, by Nathan Crosby, a very high estimate is put upon this grammar. Probably no man in Vermont of his age gave greater promise of public usefulness than Mr. Curtis.

Lieut. Gov. Elisha Payne, Vol. I, pp. 275-278.—Mr. Payne was born at Canterbury, Conn., and he died at Lebanon, N. H., July 20 1807, aged 76 years.

Doct. Timothy Todd, Vol. IV, p. 169.—Doct. Todd died at Killingworth, Conn., in April 1807, aged 48 years.

Col. Seth Warner, Vol. I, p. 159.—The fact that Warner raised a second regiment in Vermont for continental service in 1776 has been recorded, but the occasion of it deserves to be fully set forth, as showing the reliance placed upon the Vermonters, and their promptitude in response to the call upon them. The following letter serves this purpose. It is in the *Documents relating to the Colonial History of New York*, Vol. VIII, p. 664.

Brig. Gen. Wooster to Col. Warner.

MONTREAL 6th Jan'y 1776.

Dear Sir.—With the greatest distress of mind, I now sit down to inform you of the event of an unfortunate attack made upon Quebec, between the hours of 4 and 6 of the morning of the 31st Decembr last. Unfortunate indeed for in it fell our brave General Montgomery, his Aid de Camp McPherson, Captain Cheeseman, Captn Hendrick of the Rifle Men, & two or three Subaltern Officers, & between sixty and a hundred Privates, the number not certainly known, & about three hundred Officers and Soldiers made prisoners. Amongst which is Lieut. Colo. Green, Major Bigelow,[1] Major Miggs [Meigs,] & a number of Captains and inferior Officers.

Col. [Benedict] Arnold was wounded in the leg in the beginning of the action, as was Major Ogden in the shoulder, and brought off to the general hospital. I have not time to give you all the particulars, but this much will shew you that in consequence of this defeat our present prospect in this Country is rendered very dubious, & unless we can be quickly reinforced, perhaps they may be fatal, not only to us, who are stationed here, but also to the Colonies in general. As in my Opinion, the safety of the Colonies, especially the Frontiers, greatly, very greatly, depends, upon keeping possession of this Country.

[1] Timothy Bigelow of Worcester, Mass., first grantee of Montpelier.

You know as well as any man the temper, disposition & character of the Canadians. That they are not to be depended upon, but, like Savages, are very fond of chuseing the strongest party. Add^d to this, our enemies in this country, of which there are many, they use every method to excite the Canadians against us; Among other things they tell them the United Colonies intend to abandon this country, the clergy refuse absolution to all who have shewn themselves our friends, and preach damnation to all those who will not take up arms, against us, & tell them that even now it is not too late, that we are but a handfull of Men, &c. &c.

I have sent an express to Gen^l Schuyler, Gen^l Washington & the Congress, but you know how far they have to go, & that it is very uncertain how long it will be before we can have relief from them. You, Sir, and the valiant Green Mountain Corps, are in Our neighbourhood. You all have arms, and, I am confident, ever stand ready to lend a helping hand to Your brethren in distress.

I am sensible there was some disagreement between General Montgomery and you.[1] Poor man he lost his life in fighting valiantly for his Country. But why do I mention anything about disagreement to you. I know private resentment cannot prevent your exerting every faculty to vindicate the rights and priviledges for which we are so nobly contending.

Therefore let me beg of you to collect as many men as you can. Five, or Six, or Seven hundred if it can be done, and some how or other get into this country, & stay with us until we have relief from the Colonies.

You are sensible we have purvisions here in abundance and the weather in this Country I assure you, is far, very far, from being so frightfull as many have imagined. You'l see that proper Officers are appointed under you & both Officers and soldiers shall be paid as other Continental Troops are. It will be well for Your men to set out as soon as they can be collected. It is not so much matter whether together or not, but let them be sent by Tens, Twentys, Thirtys, Fortys, or Fifty's as they can be collected, for it must have a good effect on the minds of the Canadians, to see Succours coming on.

You will be good enough to send copies of this letter, or such part of it as you think proper, to the people below you; I can't but think our Friends will push for this Country. I am confident you will not disappoint my most fervent wish and expectation of seeing you here with your men, in a very short time.

Now is the time to distinguish Yourselves, & obtain the united applauses of your very gratefull countrymen, & of Your distressed Friends in Canada, & of Your sincere friend & most h^ble Serv^t

DAVID WOOSTER.

To Col. Warner, or in his absence to the principal gentlemen in Cumberland and Charlotte Counties. (A true Copy.)

Bezaleel Woodward, Vol. II, p. 114.—Prof. Woodward died in Sept. 1804, aged 59 years.—*Windsor Gazette* of Sept. 11, 1804.

Vol. IV, p. 61.—John White served in the Council until 1807, instead of 1808. The error was in Deming's *Catalogue*.

P. 97.—Mack's Leg is *Mark's Leg* in the act forming the town of Windham.

Votes for Governor.—Since the Council Journals of 1811 and 1812 were printed, the following has been found in the *Northern Centinel* of

[1] The occasion or reason of disagreement the editor does not know.

Oct. 15 1812. The footings are as in the *Centinel*, but they are not correct.

	1811.			1812.		
Counties.	*Galusha.*	*Chittenden.*	*Scat.*	*Galusha.*	*Chittenden.*	*Scat.*
Bennington	1249	198	40	1474	1035	54
Windham	1252	2014	61	1621	2780	66
Rutland	2221	1287	84	2847	1851	94
Windsor	2361	1029	57	3925	1802	93
Addison	1298	1089	69	1707	1643	74
Orange	1592	980	77	2191	1291	67
Chittenden	1147	1238	49	1092	1287	32
Jefferson				1043	801	42
Caledonia	1114	937	83	1194	1071	41
Franklin	912	1461	45	1207	1380	43
Orleans	369	339	12	482	430	16
Essex	209	148	8	238	238	4
Grand Isle	123	254	23	157	341	14
	13,828	11,214	558	19,158	15,950	644
	Majority for Galusha over Martin Chittenden and scattering, 2056.			Maj. for Galusha over Martin Chittenden and scatt'g, 2564.		

Maj. Whitcomb and *Gen. Gordon*, Vol. v, p. 239, note.—Washington characterized the shooting of Gordon as "assassination."—See Sparks' *Life and Writings*, Vol. IV, p. 56, text and note. In Thompson's *Vermont Gazetteer*, p. 232, it is stated that Whitcomb shot Gen. Gordon in July 1776, and took his sword and watch. Letter XXIV of *Anburey's Travels*, dated June 12 1777, vol, I, p. 227, gave the British account in detail, but no robbery was charged against Whitcomb, and no responsibility against any American officer. On the contrary, it is said that the General in command at Ticonderoga "expressed his disapprobation in the highest terms," and Whitcomb, to effect a reconciliation, promised to capture a British officer, and he did capture a friend of Anburey at the very spot where Gordon had been shot.

Corrections in Vol. V.

P. 5.—H. Norton should be *Hiram Horton*. This error is in the list of members in the printed *Assembly Journal*, and also in Deming's *Catalogue*. J. Porter on the same page should be *Thomas Porter*.
Pp. 64 and 72.—J. and S. Bayley should be *Isaac Bayley*.
P. 107.—Boyden should be *John Borden*.
P. 147.—Rollin C. Mallory should be *Rollin C. Mallary*.
P. 169.—Lovett should be *Lovell*.
P. 197.—D. Clapp should be *B. Clapp*.
P. 201.—S. Wallace should be *Thomas Wallace*.
Pp. 201 and 210.—Fisk should be *Preserved Fish*.
P. 246.—A. Hall should be *Apollos Hale*.
P. 252.—Artherton Hale should be *Artherton Hall*.
P. 258.—Knight should be *Wright*.
P. 290.—Ephraim Lilly should be *Ephraim Libby*.
P. 332.—Elijah Taylor should be *Elijah Tyler*.
P. 344.—Weathersfield should be *Westminster*.
P. 381.—The reference to *Appendix* K should have been omitted The matter referred to belongs to a succeeding volume.
P. 435.—Seth Austin should be *Samuel Austin*.

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